

RETURN

(144)

DESPATCHES and Orders in Council relative to Colonial Conference, 1907.
(From 20th April, 1905, to 15th February, 1907.)

CORRESPONDENCE RELATING TO THE FUTURE ORGANIZATION OF COLONIAL CONFERENCES.

Mr. Lyttelton to the Governors of the Self-Governing Colonies.

(Circular.)

DOWNING STREET, April 20, 1905.

MY LORD,

SIR,—I have the honour to invite your attention to the following observations, and to request that, after conferring with your ministers, you will furnish me with the views of your government on the subject to which they relate :

1. The Colonial Conference which met in the spring of 1887 was summoned by a despatch from Mr. Edward Stanhope, Secretary of State for the Colonies, dated the 25th November, 1886. The subjects suggested in that despatch were defence and postal and telegraphic communications. But the conference, when it met, also discussed other questions, such, for instance, as those relative to the Pacific islands, the adoption by the colonies of similar legislation to that proposed in the United Kingdom with regard to merchandize marks and patents, the effect of foreign bounties upon colonial sugar production, and questions as to bankruptcy, wills, and the investment of trust funds in colonial securities. Many of the subjects were raised, without notice, at the last moment.

2. In the case of this conference, the colonies were not specially invited to send their prime ministers. It was said in the despatch of the 25th November, 1886 : ‘The conference will necessarily be purely consultative, and it will not, therefore, be material that the colonies should have equal or proportional representation upon it. The desire of Her Majesty’s government would rather be that its constitution should be sufficiently comprehensive to include, in addition to the agent-general or other specially-deputed representative of each government, any leading public man who may be at liberty to come to England next year, and may be specially qualified to take a useful part in the deliberations.

3. The representatives of the colonies who attended this conference did, in fact, include three prime ministers of self-governing colonies, but were for the most part, as was suggested in the above-mentioned despatch, leading public men who happened to be in London in connection with the Jubilee celebrations, together with the agents-general and many governors and other officials of the Crown colonies.

4. No definite arrangement was made at this conference for the holding of further meetings, but at the close of the proceedings Sir Henry Holland (afterwards Lord Knutsford), then Secretary of State for the Colonies, said that he ‘looked forward hopefully to future conferences.’

5. The second Colonial Conference, which met in the year 1897, was convened in the following manner : In his despatch of the 28th January, 1897, conveying to the

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premiers of the self-governing colonies the invitation to be present at, and take part in, the celebration of the sixtieth anniversary of Her late Majesty's accession, Mr. Chamberlain expressed the 'hope of Her Majesty's government that their presence here might afford a valuable opportunity for the informal discussion of many subjects of great interest to the Empire.' Accordingly, on the 24th June, 1897, the prime ministers of Canada, New South Wales, Victoria, New Zealand, Queensland, Cape Colony, South Australia, Newfoundland, Tasmania, Western Australia and Natal assembled at the Colonial Office for the discussion of certain Imperial questions with the Secretary of State for the Colonies.

6. The questions to be discussed were proposed by Mr. Chamberlain in his speech at the opening of the conference, and included political relations, defence, commercial relations, and matters connected with ocean cables, the establishment of an Imperial penny post, and alien immigration laws. It is worthy of observation that in connection with the subject of commercial relations Mr. Chamberlain referred to a suggestion which had been made at a meeting of the Australian prime ministers at Hobart that a commission should be appointed to inquire into the feasibility of closer commercial arrangements within the Empire, in favour of which a resolution had been passed at that meeting. Mr. Chamberlain stated that if it were the wish of the other self-governing colonies to join in such an inquiry Her Majesty's government would be glad to take part in it, and to make arrangements for the purpose.

7. On the question of the political relations between the United Kingdom and the self-governing colonies the following resolutions were carried :—

'(1.) The prime ministers here assembled are of opinion that the present political relations between the United Kingdom and the self-governing colonies are generally satisfactory under the existing condition of things.'

Mr. Seddon and Sir E. N. C. Braddon dissented from this resolution, thinking that some step in advance might be taken.

'(2.) They are also of opinion that it is desirable, whenever and wherever practicable, to group together under a federal union those colonies which are geographically united.

'(3.) Meanwhile, the premiers are of opinion that it would be desirable to hold periodical conferences of representatives of the colonies and Great Britain for the discussion of matters of common interest.'

The second and third resolutions were carried unanimously.

8. The third Colonial Conference took place in the year 1902. In a telegram on the 23rd January of that year Mr. Chamberlain intimated the desire of His Majesty's government to take advantage of the presence in London of the prime ministers of the various self-governing colonies in connection with His Majesty's Coronation to discuss with them various important questions of public interest. The subjects intimated in that telegram were the political and commercial relations of the Empire and its naval and military defence. The various governments were also invited to furnish a statement of any subjects which they thought might be usefully discussed, and, with a view to facilitate and give a definite direction to the discussion, they were asked to furnish the text of any resolutions which they might desire to submit to the conference.

9. In addition to the prime ministers of the Dominion of Canada, the Commonwealth of Australia, New Zealand, Cape Colony, Natal, and Newfoundland, the conference was assisted by the Minister of Defence for the Commonwealth of Australia and by the Canadian Ministers of Customs, of Militia and Defence, of Finance, and the Canadian Postmaster General. The Secretary of State for War, the First Lord of the Admiralty, and the President of the Board of Trade were also present at the discussion of the questions affecting their special departments.

10. Important resolutions were passed at this conference with regard to the proposal to establish a system of reciprocal preferential treatment of products and manufactures within the Empire in respect of customs duties, and as to other matters. The resolution to which it is desired at present to call attention is the following:—

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'That it would be to the advantage of the Empire if conferences were held, as far as practicable, at intervals not exceeding four years, at which questions of common interest affecting the relation of the mother country and His Majesty's dominions over the seas could be discussed and considered as between the Secretary of State for the Colonies and the prime ministers of the self-governing colonies. The Secretary of State for the Colonies is requested to arrange for such conferences after communication with the prime ministers of the respective colonies. In case of any emergency arising upon which a special conference may have been deemed necessary, the next ordinary conference to be held not sooner than three years thereafter.'

11. It will be observed that these conferences have, step by step, assumed a more definite shape and acquired a more continuous status. Their constitution has lost the vagueness which characterized the assembly of 1887. The conferences now consist of the prime ministers of the self-governing colonies, together with the Secretary of State for the Colonies, assisted, when the subjects of the discussion make this advantageous, by other high officials of the United Kingdom and the colonies.

12. Again, the first three conferences met in connection with the presence of the colonial representatives in London incidental to important Imperial celebrations. But by the resolution passed at the last conference, and already quoted, future meetings will be at prescribed intervals, and will be solely for the transaction of business. It may therefore be said that an Imperial council for the discussion of matters which concern alike the United Kingdom and the self-governing colonies has grown into existence by a natural process. In the opinion of His Majesty's government it might be well to discard the title of 'Colonial Conference,' which imperfectly expresses the facts, and to speak of these meetings in future as meetings of the 'Imperial Council.' They desire, without pressing it, to make this suggestion for the consideration of the colonial governments.

13. The Secretary of State for the Colonies would represent His Majesty's government. India, whenever her interests required it, would also be represented. The other members of the council would be the prime ministers of the colonies represented at the conference of 1902, or, if any prime ministers should be unable to attend, representatives appointed for that purpose by their governments.

The permanent body of the Imperial Council would be thus formed, but, as in 1902, their consultations could be assisted, when necessary for special purposes, by other ministers belonging either to the Imperial or to the colonial governments.

14. Upon these points His Majesty's government would be glad to have the opinion of the colonial governments. It would probably be desirable that the future composition of the Imperial Council should be one of the subjects for discussion at the approaching ordinary conference to be held in the summer of 1906.

15. His Majesty's government doubt whether it would be wise or necessary to give by any instrument to this council a more formal character, to define more closely its constitution, or to attempt to delimit its functions. The history of Anglo-Saxon institutions, such as parliament or the cabinet system, seems to show that an institution may often be wisely left to develop in accordance with circumstances and, as it were, of its own accord, and that it is well not to sacrifice elasticity of power of adaptation to premature definiteness of form. There is every reason for confidence that the meetings of the Imperial Council (if this name prove to be acceptable to the colonial governments) will promote unity both in sentiment and action of the states which, together with the Crown colonies and dependencies, constitute the British Empire, and it may be said, without exaggeration, that upon this unity the peace and welfare of a large part of the world depend.

16. His Majesty's government now desire to make a suggestion to which they attach considerable importance, for the consideration of the colonial governments.

17. It is obvious that the prime ministers of the colonies, when they come to London for these meetings, cannot remain there for long, on account of their impor-

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tant duties at home. It is therefore desirable that subjects which they may agree to discuss should be as much as possible prepared beforehand by a body on which they would be represented, and should be presented to them in as concise and clear a form and with as much material for forming a judgment as possible.

In questions of defence this work is already done by the Imperial Defence Committee, on which also His Majesty's government desire to obtain from time to time the presence of colonial representatives. The present proposal relates, therefore, not to defence questions, but to those of a civil character.

18. Again, it would be useful that there should be such a body in permanent existence to which the Imperial Council at their meetings could refer questions for subsequent examination and report. A reference of this kind might, for instance, have been made to such a body, if it had existed, by the Colonial Conference of 1897 with regard to the question mentioned above (paragraph 6).

19. Or, to take more recent instances, resolutions were passed at the Colonial Conference of 1902 with regard to the state of the laws affecting shipping, to the position of the mail services between different parts of the Empire, and to questions of freight charges and the securing of suitable steamers for Imperial service in time of war. Resolutions were also passed in favour of the adoption of some system for the protection of patents in the various parts of the Empire, of the adoption of the metric system of weights and measures for use within the Empire, and of a cheaper postage within the Empire.

20. In most of the cases the very form of the resolution indicated the need for subsequent inquiry into facts, and into the best practical means of carrying into effect the principles expressed, and obviously the Colonial Conference itself had neither the time nor the means to make such an inquiry. Whether it should be made and how it should be made was, in fact, left to the discretion of each government.

21. His Majesty's government desire to express their opinion that it would have greatly conduced to acceleration of business and to the utility of the work done by the conference if there had then been in existence a permanent commission, representing all the states concerned, to which in each case the conference could have directly referred the task of examining facts and reporting as to the best way of carrying out the principles laid down.

22. In addition to those already mentioned, other questions will readily occur in which it is desirable to harmonize, so far as possible, the legislation of the United Kingdom and the colonies. Sometimes in matters of joint concern an attempt has been made to arrange an *ad hoc* conference containing representatives of the several states interested. But this is found in practice to be difficult to effect, and there has to be much correspondence and loss of time before such a committee can be brought together.

23. Both in the United Kingdom and in the colonies, when questions arise in regard to which governments and parliaments require more light and knowledge before taking action, it is usual to appoint royal commissions or departmental committees to inquire into the subject and to suggest solutions. His Majesty's government desire to submit for consideration the proposal that His Majesty should be advised to appoint a commission of a more permanent kind to discharge the same functions in regard to questions of joint concern. The commission would only act upon references made either by the Imperial Council, at their meetings, or, at any time, by His Majesty's government together with one or more of the colonial governments. Its functions would be of a purely consultative and advisory character, and would not supersede but supplement those of the Colonial Office. The commission might be constituted at first for a term of years, and then, if it were found to be useful and successful, it could be renewed. The commission would, it is proposed, consist of a permanent nucleus of members nominated, in a certain proportion, by His Majesty's government and the colonial governments, but there should be power to the commission to obtain the appointment of additional members, when necessary, for the purpose of making special inquiries. The persons appointed by the several governments to be permanent

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members of the commission would no doubt be men of business or of official experience, and their remuneration would rest with the governments which they respectively represented.

24. The commission should have an office in London, as the most convenient centre, and an adequate secretarial staff, the cost of which His Majesty's government would be willing to defray. It would probably be convenient that the secretary of the commission should also act as secretary to the Imperial Council when it met. He would be responsible for keeping all records both of the council and the commission.

25. If His Majesty's government find that there is sufficient *prima facie* agreement on the part of the colonial governments they will cause a more definite scheme for the constitution of the commission to be prepared and forwarded to the colonial governments for their observations.

ALFRED LYTTELTON.

CAPE COLONY.

Governor Sir W. F. Hely-Hutchinson to Mr. Lyttelton.

(Received July 8, 1905.)

GOVERNMENT HOUSE, CAPETOWN, June 16, 1905.

SIR,—I duly forwarded to ministers your despatch of the 20th April, containing a series of suggestions in connection with the approaching colonial conference, with a minute, of which a copy is inclosed. I have now received a minute from ministers, a copy of which I forward herewith, stating that they are in entire accord with the principle, and in regard to the details of the scheme, so far as they are set forth in your despatch, for the establishment of an Imperial Council aided by a permanent commission of inquiry; and making suggestions in connection with the future discussion of the subject.

WALTER HELY-HUTCHINSON.

Inclosure 1.

Governor to Ministers.

GOVERNMENT HOUSE, CAPETOWN, May 11, 1905.

The governor transmits to ministers a despatch, which he has received from the Secretary of State for the Colonies, making a series of important suggestions in connection with the approaching colonial conference, which is to be held in the summer of 1906.

A despatch identical in terms has been sent to the Governors-General of Australia and the Dominion of Canada, and to the Governors of New Zealand, Natal, and Newfoundland.

The governor would be glad to receive from ministers any observations they may desire to make on the suggestions made in the despatch.

WALTER HELY-HUTCHINSON,
Governor.

Inclosure 2.

Ministers to Governor.

PRIME MINISTER'S OFFICE, CAPETOWN, June 15, 1905.

Ministers have the honour to acknowledge the receipt of His Excellency the Governor's minute of the 11th May last, transmitting, for their information and observa-

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tions, a despatch received from the Right Honourable the Secretary of State for the Colonies containing a most interesting review of past events leading up to certain proposals of the very greatest importance to the future governance of the Empire.

2. With the principle, and in regard to the details of the scheme, so far as they are set forth, providing for the establishment of an 'Imperial Council' aided by a permanent 'Commission of Inquiry,' ministers are in entire accord.

3. Undoubtedly the creation of some recognized body having a continuous status, and before whom matters of commercial and political concern affecting alike the United Kingdom and self-governing colonies of the Empire could be debated, is of the very highest importance, and that the meetings of such a body should be at regular and stated intervals and not subject to the variations and uncertainty of historical celebrations is equally desirable.

4. As to the definition of the functions of the proposed 'Imperial Council,' ministers quite acknowledge the inexpediency of any premature attempts at experimental and artificial delimitation, but it will, no doubt, become necessary at the first meeting of such a council to discuss this and other important points which are difficult to deal with by despatch-writing when so many governments are concerned.

5. In regard to the question of defining the constitution of the council, ministers certainly think this cannot be undertaken under existing conditions. Consideration must be given, among other things, to the remarkable dissimilarity prevailing in the several self-governing colonies of the Empire both in respect of the number and character of their people, and of their geographical inequalities, which render it impossible to propose any fair representation proportional to the relative degree of importance and interest of each colony. Therefore, recognizing the difficulties in the way of making any fine adjustments in respect of elective representation, ministers are forced to the conclusion that the introduction of any such proposal at present might lead to unfortunate differences, which would prejudicially affect the success of the scheme.

6. So long as the functions of the council remain deliberative this postponement is possible, and ministers trust that this may continue so until the arrival of that happy condition when the various South African colonies are possessed of full self-government, and bound together with ties resembling those of the Australian confederacy and the great Canadian Dominion.

7. The aim of the Empire in establishing such an organization is to have a common council to guide the nation in its thoughts and legislation in matters of Imperial concern. And that there is every justification for desiring that the proposed council should possess merely consultative and advisory power for the present, ministers would only refer to the importance which has been attached to the resolutions passed by the colonial conferences in the past.

8. It may reasonably be said that the greatest question engaging the attention of almost all sections of His Majesty's subjects at the present day is partially the outcome of the deliberations of the last conference, at which important resolutions were passed in regard to the establishment of a system of reciprocal preferential treatment of products and manufactures within the Empire in respect of Customs duties, &c. This action on the part of the conference is also very largely responsible for the grant by the South African Customs Union of a preferential treatment of British goods imported into this country, and the growing tendency on the part of colonies to more fully recognize their obligation in regard to Naval defence.

9. Thus it is clear that these conferences, although merely deliberative, have promoted action as well as stimulated sentiment. For these reasons, therefore, ministers urge the adoption of the suggestion embodied in the thirteenth paragraph of the Secretary of State's despatch, dealing with the proposed constitution of the council. The recommendation reads as follows :—

'The Secretary of State for the Colonies would represent His Majesty's government. India, whenever her interests required it, would also be represented. The other members of the council would be the prime ministers of the colonies represented at the

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conference of 1902, or, if any prime minister should be unable to attend, by representatives appointed for that purpose by their governments.

'The permanent body of the Imperial Council would be thus formed, but, as in 1902, their consultations could be assisted, when necessary, for special purposes, by other ministers belonging either to the Imperial or the colonial governments.'

10. With regard to the second portion of the scheme, namely, the appointment of a 'Permanent Commission of Inquiry,' to gather and systematize knowledge for the use of the Imperial Council, ministers consider that such an intelligence department, well equipped as it no doubt would be with information and facts requiring examination with a view to harmonizing the legislation of the United Kingdom and the colonies, is an essential adjunct, and will very materially facilitate and expedite the work of the parent body. Ministers accordingly favour its appointment on the lines indicated, and also approve of the proposals regarding the secretariat. They further agree that the commission should be composed of men with business or official experience, but are somewhat doubtful as to the wisdom of the permanency of such appointments. The secretariat would, of course, have a continuous status, but ministers are of opinion that better results might be obtained if the members of the commission were appointed for a fixed period of years. However, having agreed upon certain broad principles ministers consider that the greater part of such details might be better left to a round table conference.

11. In conclusion, ministers desire to express their appreciation of the great thought and care bestowed upon this important matter by the Secretary of State for the Colonies, and to convey their thanks for the very full manner in which Mr. Lyttelton has discussed the various points for the information of the colonial governments.

T. W. SMARTT.

CANADA.

Governor General Earl Grey to Mr. Lyttelton.

(Received 10.55 p.m., July 8, 1905.)

(Telegram.)

With reference to Colonial Conference. Laurier asks that you will allow him to close session before forwarding Minute of Council on your despatch of April 20th. He says that date of prorogation is in sight, and that it is impossible for council to take up additional work to that which has to be completed before the end of session. He promises to have a despatch ready within the week after prorogation. The date of prorogation is uncertain, but that it will be before 1st August I do not expect.

NATAL.

Governor Sir H. E. McCallum to Mr. Lyttelton.

(Received July 15, 1905.)

GOVERNMENT HOUSE, PIETERMARITZBURG, NATAL, June 20, 1905.

SIR,—With reference to your despatch of April 20, I have the honour to inform you that my ministers are of opinion that the establishment of an 'Imperial Council' would be beneficial alike to His Majesty's government and to the colonies, and they are, therefore, in favour of the proposal made in paragraph 12 of your despatch.

2. Ministers are also in favour of the appointment of a commission such as that referred to in the 23rd paragraph of your despatch, and they would be prepared to consider favourably the more definite scheme for the constitution of such commission, which His Majesty's government propose to submit.

HENRY MCCALLUM.

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CANADA.

Mr Lyttelton to Governor General Earl Grey.

(Sent 5.20 p.m., July 18, 1905.)

(Telegram.)

In answer to your telegram as to Colonial Conference, I have no objection to postponement of reply to despatch of 20th April. I do not desire to hurry your government on the matter.

AUSTRALIA.

Governor General Lord Northcote to Mr. Lyttelton.

(Received 11.35 a.m., August 17, 1905.)

(Telegram.)

Referring to your despatch of 20th April, Colonial Conference, see my despatch confidential, 16th August, by last mail, of which following is substance :—

Begins : Prime minister observes that in addition to matters mentioned in your letter there is question of preferential trade which was submitted to conference, 3rd May, 1887, by Sir Samuel Griffith, and in connection with which Mr. Hofmeyr, representing Cape Colony, made important proposal. This government fully endorses view that the title Colonial Conference inadequately expresses importance and nature of meetings which may be better described as those of an Imperial Council, and while my ministers agree that the future composition of that council should be discussed at the next meeting of conference, I am advised that if it is not to assemble until June, 1906, it would be almost impossible for ministers to attend. Parliament will then be in session, and the general election will follow shortly after, provided, of course, that parliament is allowed to continue for the full period for which members were returned. Ministers highly appreciate consideration which His Majesty's government have given to the convenience of colonial ministers by endeavouring to reduce as far as possible their absence from parliamentary and other duties. They concur in advisability of appointment of a body of a permanent nature to collate the details of subjects to be considered by the council. In the event of the suggestion for the appointment of a permanent commission being adopted, it is considered that Australia should be allowed two representatives at least, one of whom should be the High Commissioner, when appointed, or his substitute. My ministers agree that the proposed council should be left to develop by adaptation as circumstances may require, and share the confidence that its establishment will promote that unity both of sentiment and action within the Empire on which the peace and welfare of a large part of the world depends.

NEWFOUNDLAND.

Governor Sir Wm. MacGregor to Mr. Lyttelton.

(Received August 18, 1905.)

GOVERNMENT HOUSE, ST. JOHN'S, July 28, 1905.

SIR,—With reference to your despatch of the 20th April, I have the honour to inclose herewith copy of a letter I have received from my prime minister with reference to the creation of a Colonial Council.

WM. MACGREGOR.

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Inclosure.

COLONIAL SECRETARY'S OFFICE, ST. JOHN'S, NEWFOUNDLAND,

July 27, 1905.

His Excellency

Sir WM. MACGREGOR, K.C.M.G., C.B., &c., &c., &c.

SIR,—Referring to your communication of date the 18th instant, and inclosed copy of a telegram received by Your Excellency from the Right Honourable the Secretary of State for the Colonies, having reference to his despatch of date the 20th of April last, I have the honour to intimate that it is with very great diffidence that your ministers venture to express an opinion as regards the expediency of establishing an Imperial Council to consist of the prime ministers of the self-governing colonies, presided over by the Secretary of State for the Colonies.

The question has to be considered from two standpoints: Is it to be merely an advisory council, or a council with executive functions or legislative powers? In either case it implies a voice in the policy of the Empire, and that privilege would necessarily carry with it corresponding responsibilities and obligations to be assumed by the colonies represented in that council. Such being the case, while all the colonies will doubtless be as one in respect to the wisdom and correctness of the principle, and would doubtless desire to aid in its adoption, there are some struggling communities—and this colony is one of them—whose revenues are required for public benefit, and for increasing the capabilities of the country in which we live; and any direct contribution towards Imperial defence or any trade preference would be practically impossible.

If an Imperial Council were established, as Mr. Chamberlain pointed out in his opening address to the Colonial Conference in 1902, these are the two subjects which would immediately call for its attention.

After very careful consideration of the questions involved in the proposal of His Majesty's government, and of the circumstances of the respective colonies, your ministers have some doubt whether the time has arrived when the principle involved in the formation of an Imperial Council can be advantageously carried into practice, and as to whether the object aimed at by His Majesty's government cannot, for the present, be best achieved by periodical conferences, upon the lines of previous colonial conferences.

I beg to return herewith the despatch under reference.

R. BOND,

Prime Minister.

NEW ZEALAND.

Governor Lord Plunket to Mr. Lyttelton.

(Received 1.40 p.m., August 24, 1905.)

(Telegram.)

I have to state, in reply to your despatch of 20th April, that New Zealand will be represented at Colonial Conference, if it is held early in the year, so as to enable representative to leave London at the beginning of May.

NEW ZEALAND.

Mr. Lyttelton to Governor Lord Plunket.

(Sent 3.20 p.m., August 31, 1905.)

(Telegram.)

Referring to your telegram of 24th August, Colonial Conference, may I expect your answer to proposals in my despatch of 20th April before the conference, or does

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your government prefer to discuss them at the conference? If the former I should be much obliged if I can have views of your ministers as soon as possible. Australia, Cape, and Natal governments have sent answers favourable to proposals, no answer received as yet from Canada.

AUSTRALIA.

Governor-General Lord Northcote to Mr. Lyttleton.

(Received September 19, 1905.)

GOVERNOR-GENERAL'S OFFICE, MELBOURNE, August 16, 1905.

SIR,—Referring to your despatch, dated 20th April, 1905, relating to the continuance of the Colonial Conferences under the title of 'Imperial Council,' I have the honour to transmit, herewith, a copy of correspondence which has taken place between the Prime Minister and myself, which will, I think, be found to clearly express the views of the Commonwealth government upon this important subject.

NORTHCOTE,

Governor-General.

Inclosure 1.

COMMONWEALTH OF AUSTRALIA.

PRIME MINISTER, MELBOURNE, July 19, 1905.

Colonial Conference.

His Excellency

The Governor-General.

MY LORD,—With reference to Your Excellency's memorandum of the present date, forwarding a copy of a telegram received from the Secretary of State for the Colonies, asking whether he may be shortly furnished with a reply to his despatch of the 20th April last, I have the honour to inform Your Excellency that the despatch only reached me to-day, but will receive immediate consideration.

ALFRED DEAKIN.

Inclosure.

COMMONWEALTH OF AUSTRALIA.

PRIME MINISTER, MELBOURNE, August 16, 1905.

His Excellency

The Governor-General.

MY LORD,—In continuation of my letter of the 19th ultimo on the subject of the proposed Colonial Conference, I have the honour to inform Your Excellency that by some mischance the despatch of the Secretary of State for the Colonies to my predecessor, dated 20th April last, appears to have been lost sight of until the 19th idem, when it was brought under notice.

2. The proposals were, however, considered by this cabinet at the earliest opportunity, and in compliance with Mr. Lyttelton's wish I subjoin, for his information, a brief epitome of the views of the government on the subjects to which they relate.

3. It may be observed that in addition to the matters mentioned in the despatch considered at the Colonial Conference which sat in 1887, was the question of preferential trade. On the 3rd May, 1887, Sir Samuel Griffith submitted the subject, and upon the same date Mr. Hofmeyer, a representative of the Cape of Good Hope, made an important proposal, upon which a general discussion followed, reported in the proceedings to both Houses of the Imperial parliament.

4. This government fully endorses the view of His Majesty's government that the title of 'Colonial Conference' inadequately expresses the importance and nature of

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meetings which may be better described as those of an 'Imperial Council,' and while agreeing that the future composition of that council should be discussed at the next conference, desires to point out that if it is not to assemble until the summer of 1906 (June), it would be almost impossible for ministers to attend. The Federal parliament will then be in session, and the general elections will follow shortly afterwards, provided, of course, the parliament is allowed to continue for the full period for which members were returned.

5. The consideration which His Majesty's government have given to the convenience of Colonial prime ministers attending the conference by endeavouring to reduce as far as possible their absence from parliamentary and other duties, is much appreciated by ministers, who also concur in the advisability of the appointment of a body of a permanent nature to collate the details of subjects to be considered by the council.

6. In the event of the suggestion for the appointment of a permanent commission being adopted, it is considered that Australia should be allowed two representatives at least, one of whom should be the High Commissioner, when appointed, or his substitute.

7. Ministers agree that the proposed council should be left to develop by adaptation as circumstances may require, and share the confidence that its establishment will promote that unity both of sentiment and action within the Empire upon which the peace and welfare of a large part of the world depends.

ALFRED DEAKIN.

NEWFOUNDLAND.

Mr. Lyttelton to Governor Sir William MacGregor.

DOWNING STREET, October 16, 1905.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 28th July, forwarding copy of a letter from your prime minister in reply to my despatch of the 20th April, on the subject of colonial conferences, and the suggested establishment of an Imperial Council and a permanent commission of reference.

2. I am inclined to think that Sir R. Bond's letter was written under some misapprehension of the scope and nature of the proposals made in my despatch. It was not intended to propose that the Imperial Council suggested in paragraphs 12 to 15 of the despatch should possess any executive or legislative powers. It would merely be a continuation, under a more appropriate title, of the existing colonial conferences which meet periodically for consultative purposes.

3. I observe that Sir R. Bond's letter makes no references to the proposal made in paragraphs 16 to 25 of my despatch, that a permanent joint commission should be constituted to discharge the functions more particularly stated in the 23rd paragraph. His Majesty's government attach much importance to this suggestion, thinking, as they do, that the future practical utility of the colonial conference, or Imperial Council (whichever name shall be finally adopted), depends to a large extent upon the institution of an organized body to do work preliminary and subsequent to the periodical meetings. They hope, therefore, that your ministers, while reserving (if they prefer it) their assent to the suggestions as to the change of name of the colonial conference, will find themselves able to agree in principle to the institution of the contemplated joint commission. The governments of Australia, Cape Colony, and Natal have already signified their assent.

ALFRED LYTTELTON.

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NEW ZEALAND.

Mr. Lyttelton to Governor Lord Plunket.

(Sent 7.20 p.m., October 17, 1905.)

(Telegram.)

When may answer be expected to my telegram of August 31, Colonial Conference?

NEW ZEALAND.

Governor Lord Plunket to Mr. Lyttelton.

(Received 7.50 a.m., November 14, 1905.)

(Telegram.)

Referring to your telegrams of August 31 and October 17, my ministers regret that it will be impossible to send reply *re* Colonial Conference till the elections in the colony are over and full meeting of cabinet can be held.

CANADA.

Governor General Earl Grey to Mr. Lyttelton.

(Received November 27, 1905.)

GOVERNMENT HOUSE, OTTAWA, November 17, 1905.

SIR,—I have the honour to transmit herewith an approved Minute of Privy Council, which gives the views of my ministers on the proposals contained in your despatch of April 20 last.

GREY.

(Inclosure.)

EXTRACT from a Report of the Committee of the Honourable the Privy Council, approved by the Governor General on November 13, 1905.

The Committee of the Privy Council have had under consideration a despatch from the Secretary of State for the Colonies to Your Excellency, dated April 20, 1905, tracing the history of the various colonial conferences and making certain suggestions in relation to that body, upon which His Majesty's government invite the views of Your Excellency's advisers. These suggestions briefly are :—

1. That the title of 'Colonial Conference' be changed to that of 'Imperial Council.'

2. That a permanent commission be appointed to prepare subjects to be discussed by the Imperial Council, which commission should occupy in the civil sphere somewhat the same relation to the conference that the Imperial Defence Committee does in regard to military questions. It is further proposed that to such a commission might be referred questions for examination and report on the best mode of carrying out principles laid down by the conference.

The committee at the outset are disposed to consider that any change in the title or status of the Colonial Conference should rather originate with, and emanate from that body itself. At the same time, being fully alive to the desire of His Majesty's government to draw closer the ties uniting the colonies with each other and with the motherland, they are prepared to give the proposals referred to their respectful consideration, and having done so, beg leave to offer the following observations :—

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Your Excellency's advisers are entirely at one with His Majesty's government in believing that political institutions 'may often be wisely left to develop in accordance with circumstances and, as it were, of their own accord,' and it is for this reason that they entertain with some doubt the proposal to change the name of the Colonial Conference to that of the Imperial Council, which they apprehend would be interpreted as marking a step distinctly in advance of the position hitherto attained in the discussion of the relations between the mother country and the colonies. As the committee understand the phrase, a conference is a more or less unconventional gathering for informal discussion of public questions, continued, it may be, from time to time, as circumstances external to itself may render expedient, but possessing no faculty or power of binding action. The assembly of colonial ministers which met in 1887, 1897 and 1902 appear to the committee to fulfil these conditions. The term Council, on the other hand, indicates, in the view of Your Excellency's ministers, a more formal assemblage, possessing an advisory and deliberative character, and in conjunction with the word 'Imperial,' suggesting a permanent institution which, endowed with a continuous life, might eventually come to be regarded as an encroachment upon the full measure of autonomous legislative and administrative power now enjoyed by all the self-governing colonies.

The committee, while not wishing to be understood as advocating any such change at the present time, incline to the opinion that the title 'Imperial Conference' might be less open to the objections they have indicated than the designation proposed by His Majesty's government.

As regards the second suggestion of His Majesty's government, the committee are sensible that such a commission would greatly facilitate the work of the conference, and at the same time enhance the dignity and importance of that assembly. They cannot, however, wholly divest themselves of the idea that such a commission might conceivably interfere with the working of responsible government. While for this reason the committee would not at present be prepared to adopt the proposal for the appointment of a permanent commission, they feel that such a proposal emanating from His Majesty's government, should be very fully inquired into, and the Canadian representatives at the next conference, whenever it may be held, would be ready to join the representatives of the sister colonies in giving the whole matter their most careful consideration.

The committee advise that a copy of this Minute, if approved, be transmitted to the Secretary of State for the Colonies, for the information of His Majesty's government.

JOHN J. MCGEE,
Clerk of the Privy Council.

Mr. Lyttelton to the Governors of the Self-governing Colonies.

(Sent 9.50 p.m., November 29, 1905.)

(Telegram.)

I request that you will inform your ministers as follows:—

It was assumed when I sent my despatch of 20th April last, that, in accordance with the resolution passed at the Colonial Conference of 1902, and quoted in paragraph 10 of that despatch, it would, in the normal course of events, be proper to issue invitations to the next conference for the summer of 1906. It appears, however, in the result of the correspondence following upon the above-mentioned despatch, that it would not be possible for the prime ministers of the Australian Commonwealth and of New Zealand to attend a conference held later than the spring of 1906. It appears to His Majesty's government to be doubtful whether it would be practicable to make sufficient preparation before the latter date of the subjects to be discussed at the conference.

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A subsequent communication will be addressed to you on this subject at a later date, but in the meantime I should be glad to know whether, in the opinion of your ministers, it would be advisable in these circumstances to take advantage of the latitude allowed by the terms of the resolution already referred to, and to postpone the meeting of the conference until the year 1907.

The answers received from the colonial governments, in reply to my circular despatch of 20th April last, with reference to the suggestions for the better organization of the work of the Colonial Conference therein contained, and this telegram, will be published at once. But in deference to the views expressed by the Government of the Dominion of Canada it seems to be desirable to postpone further discussion of these matters until the meeting of the next conference. His Majesty's government consider that the discussion which has already taken place will greatly facilitate the consideration of the subject when the conference shall assemble. They confidently hope that, following upon the lines of previous conferences, the next conference will, in this and in other no less important ways, promote the better union and the collective prosperity of the British Empire.

A telegram in identical terms has been sent to Australia, New Zealand, Cape, Natal, Newfoundland, and Canada.

Mr. Lyttelton to Lord Grey.

November 29, 1905.

I request you will inform your ministers as follows: It was assumed when I sent my despatch of 20th April last that, in accordance with the resolution passed at the Colonial Conference of 1902 and quoted in paragraph 10 of that despatch, it would in the normal course of events be proper to issue invitations to the next conference for the summer of 1906. It appears, however, in the result of the correspondence following upon the above-mentioned despatch, that it would not be possible for the prime ministers of the Australian Commonwealth and of New Zealand to attend a conference held later than the spring of 1906. It appears to His Majesty's government to be doubtful whether it would be practicable to make sufficient preparations before the latter date of the subjects to be discussed at the conference. A subsequent communication will be addressed to you on this subject at a later date, but in the meantime I should be glad to know if in the opinion of your ministers it would be advisable in these circumstances to take advantage of the latitude allowed by the terms of the resolution already referred to, and to postpone the meeting of the conference until the year 1907. The answers received from the colonial governments in reply to my circular despatch of 20th April last with reference to the suggestions for the better organization of the work of the Colonial Conference therein contained, and this telegram, will be published at once. But in deference to the views expressed by the Government of the Dominion of Canada, it seems to be desirable to postpone further discussion of these matters until the meeting of the next conference.

His Majesty's government consider that the discussion which has already taken place will greatly facilitate the consideration of the subject when the conference shall assemble. They confidently hope that, following upon the lines of previous conferences, the next conference will in this and in other no less important ways promote the better union and the collective prosperity of the British Empire. A telegram in identical terms has been sent Canada, Australia, New Zealand, Cape, Natal, and Newfoundland.

LYTTELTON.

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OTTAWA, December 4, 1905.

Lord Grey to Mr. Lyttelton.

Referring to your despatch of November 29, my ministers have no objection to Colonial Conference being held in 1907 instead of 1906.

From Mr. Lyttelton to Lord Grey.

DOWNING STREET, December 7, 1905.

MY LORD,—I had the honour to telegraph to you on the 29th ultimo, requesting you to suggest to your ministers that it might be desirable in view of all the circumstances of the case, to postpone the meeting of the next Colonial Conference until the year 1907, and that any further discussion of the proposals contained in my despatch of the 20th of April last, relating to the organization of future colonial conferences had better be deferred until the next conference meets.

2. I have now to inclose, for the information of your government, copies of a paper in which the recent correspondence on the subject, beginning with my despatch of April 20 last, and ending with my telegram of the 29th ultimo, has been presented to both Houses of parliament.

ALFRED LYTTELTON.

From Lord Elgin to Lord Grey.

February 19, 1906.

Referring to my telegram of November 29 and to your reply, His Majesty's government propose that Colonial Conference should meet early in the month of March, 1907, as it seems impossible to arrange a meeting conveniently this year. I shall be glad to hear that this date will suit your prime minister. Despatch follows by mail.

ELGIN.

From Lord Elgin to Lord Grey.

DOWNING STREET, February 22, 1906.

MY LORD,—My predecessor in his telegram of the 29th of November last suggested that it might be advisable to postpone the Colonial Conference until the year 1907, since it was not possible for the prime ministers of the Australian Commonwealth and of New Zealand to attend a conference in 1906 if it was held later than in the spring, and it did not then appear to be practicable to make preparation for a conference by that time.

2. I have now the honour to inclose, for the information of your ministers, copies of the replies received from the several colonies, from which it will be seen that while the Cape ministers desired that the conference should meet this year, the other governments agreed to postponement until next year, and the government of New Zealand expressed a hope that the meeting might take place early in the year.

3. I accordingly informed you in my telegram of the 19th instant that His Majesty's government proposes that the conference should meet early in March, 1907, and added that I should be glad to learn if that date would be convenient to your prime minister.

4. My predecessor communicated to your government in his despatch of the 7th December last the parliamentary paper containing the correspondence with various colonial governments arising out of his despatch of 20th April, which dealt with certain proposals respecting the organization of future colonial conferences. I do not feel myself called upon to adopt the recommendation of those proposals, but

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in view of the expressions of opinion received from the colonies, I think that it will be desirable that the scheme should be freely discussed when the conference meets.

5. It will much facilitate the proceedings of the conference by enabling full preparation to be made before, and, if your government will communicate to me, so as to reach me not later than the 1st of September next, a statement as to any subjects which they desire to be discussed, and as to any resolutions which they wish to submit to the conference.

6. I will address you in due course as regards the subjects which His Majesty's government may wish to bring before the conference.

7. His Majesty's government feel every confidence that the next conference, like those which have preceded it, will help to increase the good understanding and cordial feeling which exist between the governments of the various self-governing communities of the Empire.

ELGIN.

EXTRACT from a Report of the Committee of the Honourable the Privy Council, approved by the Governor General on July 20, 1906.

The Committee of the Privy Council have had under consideration a cable despatch of May 12, 1906, from the Right Honourable the Secretary of State for the Colonies, stating that the 15th day of April, 1907, has been fixed as a convenient time for the meeting of the proposed Colonial Conference in London, and inviting the prime ministers to attend accordingly.

The Right Honourable the Prime Minister observes, with reference to the said despatch, that the 15th of April usually falls within the session of the Canadian parliament. A change has just been made in the Canadian fiscal year, the effect of which upon the disposal of parliamentary business has yet to be ascertained. It is contemplated that parliament shall meet in November, and that an adjournment for some time shall take place before Christmas. Very important business will engage the attention of parliament at the coming session, and it is not unlikely that the session will continue up to and beyond the 15th of April. For these reasons the prime minister observes that the postponement of the conference for a month would be convenient to the Canadian government, and would probably ensure the attendance upon the conference of Canadian representatives who would be unable to attend if parliament were still in session.

The Prime Minister further observes if the suggested postponement of the conference until the middle of May would be inconvenient to the Imperial government or to the governments of any of the colonies concerned the Canadian government would not be disposed to press it. But the Prime Minister deems it expedient to point out the probability that the Canadian parliament will be in session on April 15 next, and the possibility that this might interfere with the attendance of Canadian representatives at the conference.

The Prime Minister further observes that the attention of the Right Honourable the Secretary of State for the Colonies should be called to the form of invitation hitherto extended to the several colonial governments which have been invited to participate in these conferences. Such invitation has been extended to the prime ministers only. Experience has shown that, having regard to the wide range of subjects which are considered at the conference, the prime ministers of the larger colonies are unwilling to assume the responsibility of dealing with such questions without the assistance of some of their colleagues. Practically, therefore, the conference becomes not one of prime ministers, but one of ministers representing the various colonial governments. If it be deemed expedient, for the reasons above stated, that ministers, other than the prime ministers of any colony should be present, it seems to be desirable that their position in the conference should be recognized, and that they should be included in the invitation extended by His Majesty's government. The Prime

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Minister, therefore, suggests that the object of His Majesty's government in calling the conference would be better attained if the conference were declared to be a conference of ministers and the invitation expressed in such form as would admit of the attendance of any ministers who might be accredited by any of the governments concerned.

The Prime Minister, in presenting these suggestions for the consideration of His Majesty's government, does not desire that the larger colonies which might send a number of representatives, should, on that account be placed in any advantageous position as regards voting in the conference. The practice of past conferences has been that whenever a difference arises each colony is entitled to one vote, and the Canadian government would not ask for any change in that respect.

The committee concur in the views expressed by the Prime Minister and advise that Your Excellency be moved to forward a copy of this Minute to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for approval.

JOHN J. MCGEE,

Clerk of the Privy Council.

From Lord Elgin to Lord Grey.

LONDON, May 12, 1906.

Referring to my despatch of February 22, I have now ascertained by communication with all the colonies concerned that the date for colonial conference most acceptable to all premiers, having regard to the varying conditions involved in the meetings of their legislatures, will be April 15 next in place of the previous suggestions of a date early in March. I have, therefore, much pleasure on behalf of His Majesty's government in inviting your prime minister to attend the conference on April 15.

ELGIN.

EXTRACT from a Report of the Committee of the Honourable the Privy Council, approved by the Governor General on October 17, 1906.

The Committee of the Privy Council have had under consideration a despatch, dated August 11, 1906, from the Right Honourable the Secretary of State for the Colonies on the subject of the coming Colonial Conference.

The Committee of the Privy Council, to whom the said despatch was referred, submit that with regard to the date fixed for the conference the committee appreciate the reasons against any change and they can only express a hope that the business of the session of the Canadian parliament may be concluded at a date early enough to permit Canadian representatives to attend the conference.

As to the conditions under which colonial ministers, other than prime ministers, may attend the conference the committee are of opinion that further representations should be made to His Majesty's government. The intimation that such ministers may 'attend the conference when the subjects with which they are specially concerned are to be discussed,' does not, in the opinion of the committee, meet the point raised by the Canadian government in the Minute of July 20.

The Secretary of State for the Colonies refers to the arrangements respecting the attendance of such ministers at the Conference of 1902, and assumes that they were unobjectionable. The committee have to remark that although it was not deemed necessary at the time to place on record any formal protest against them, the arrangements in question were far from satisfactory. The colonial ministers other than the prime ministers were received only by the courtesy of the conference, and not without objection having been taken to what was regarded by some as a departure from the

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basis on which the conference had been organized. It seems desirable, therefore, that for the avoidance of misunderstanding hereafter the position of such ministers should be properly defined in advance.

Provision for the occasional attendance for the consideration of special subjects would be reasonable in the case of officials of the permanent service, whose knowledge and experience might be useful to the conference in the particular matters under discussion. Several of the higher officers of the Imperial service attended in this way at the conference of 1902. The committee submit, however, that such restrictions are inapplicable to the case of responsible ministers of the Crown who will be called far away from their home duties to participate in the deliberations of the conference. If the objects of the conference will be advanced by the presence of such ministers they should only be expected to attend with a recognized status which will be consistent with their position as responsible ministers in their respective colonies.

The committee therefore suggest that further representations be made to His Majesty's government expressing the hope that the conference may be treated as one of colonial ministers, the government of each colony being free to send such of their members as they may be pleased to select to represent the colony at the conference, and such representatives to be deemed members of the conference in the fullest sense, with the understanding, however, that in any matters which may be determined by vote each colony shall have one vote only.

The Committee of the Privy Council advise that Your Excellency be moved to forward a copy of this minute to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

From Lord Elgin to Lord Grey.

DOWNING STREET, August 11, 1906.

MY LORD,—I have the honour to acknowledge the receipt of your despatch No. 243, of the 20th of July, in which you inclose a copy of an approved Minute of the Privy Council suggesting that, in view of the probable duration of the next session of the Canadian Parliament, it would be convenient to postpone the Colonial Conference till the middle of May and that the scope of the invitations to the conference might be so extended as to include any ministers whose presence at the conference may be deemed advisable by the Prime Minister.

2. As regards the first point, I would observe that the date at present fixed for the conference was decided after much correspondence and negotiation as being most suitable to all the parties. On a review of the correspondence, it appears that the suggested postponement would cause grave inconvenience, and as your ministers do not press it, I should prefer to maintain the present arrangement.

3. As regards the second point, I think that in the case of the larger colonies there is a distinct advantage in securing the attendance on special occasions of other ministers in addition to the prime minister, notably the Minister of Defence or the minister in charge of commercial affairs. This arrangement was in fact made at the conference of 1902, and on the same principle other ministers of the Imperial Government beside the Secretary of State for the colonies have been present at meetings of past conferences, when matters affecting their departments were under consideration.

4. It does not, however, appear to be necessary to make any alteration in the general constitution of the conference. Any minister whose attendance seems desirable to the prime ministers of the larger colonies could, as before, accompany them and could attend the conference when subjects with which they are specially concerned

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are to be discussed. In such cases ministers would, of course, be the guests of His Majesty's government.

ELGIN.

From Lord Elgin to Lord Grey.

LONDON, September 25, 1906.

Matter most urgent. When may reply be expected to my despatch of 22nd February, Colonial Conference, paragraph 5?

ELGIN.

Extract From Despatch of 22nd February, 1906.

5. 'It will much facilitate the proceedings of the conference by enabling full preparation to be made beforehand, if your government will communicate to me, so as to reach me not later than the 1st of September next, a statement as to any subjects which they desire to be discussed, and as to any resolutions which they wish to submit to the conference.'

Lord Grey to Lord Elgin.

OTTAWA, September 26, 1906.

Referring to fifth paragraph of your despatch of February 22, my ministers do not desire at this date to present any new subject for discussion at the Conference.

From Lord Elgin to Lord Grey.

DOWNING STREET, November 29, 1906.

MY LORD,—I have the honour to acknowledge the receipt of your despatch No. 367 of October 25 forwarding a copy of an approved Minute of the Privy Council in which your ministers express the hope that, for certain stated reasons, the coming Colonial Conference may be regarded as one of colonial ministers and not of prime ministers only, the government of each colony being free to send such of their members as they may choose to represent the colony and such representatives to be deemed members of the conference in the fullest sense, on the understanding, however, that in any matters which may be determined by vote, each colony shall have one vote only.

2. I have given the views of your ministers my full consideration, but I regret to say that I do not see my way to concur in their proposal. That proposal appears to me to raise difficulties which can only be satisfactorily settled by discussion at the conference itself.

3. The essential factor in the consideration of this matter seems to me to be, that the proposal of your ministers would involve a change in the constitution of the conference. The conference of 1897 was composed of prime ministers, and the resolution of the conference of 1902, in terms of which the present conference has been convened, states:—'That it would be to the advantage of the Empire if the conference were held, as far as practicable, at intervals not exceeding four years, at which questions of common interest affecting the relations of the mother country and His Majesty's dominions over the seas could be discussed and considered as between the Secretary of State and the prime ministers of the self-governing colonies. The Secretary of State for the Colonies is requested to arrange for such conferences after communication with the prime ministers of the respective colonies.' The effect of this resolution, which was passed unanimously, is to reaffirm the principle that the

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prime ministers of the colonies alone are members of the conference. In dealing with the other suggested alterations in the constitution of the conference His Majesty's government have held that the conference itself must consider and determine whether changes are to be made, and it would not be possible, without inconsistency, to depart from that principle in the present instance.

4. I need hardly say that nothing derogatory to the position of colonial ministers (other than prime ministers) was implied at the last conference, or would be implied at any future one, by the fact that they only participate in discussions on subjects with which they are especially concerned. The representatives of the India Office and of other departments of His Majesty's government attend on a similar footing. But the arrangement was one which the conference treated as essentially a matter which it was competent to decide, and the Secretary of State as chairman ruled that an alteration could not be made unless there was a unanimous feeling in its favour. It does not seem practicable under these circumstances to adjust by correspondence alterations in procedure even if time now permitted. The proposal of your ministers might well raise questions on such important points as the effect on the duration of the debates, or of the sittings of the conference, by a material increase in its members—and the relative advantage to be derived by colonies within easy reach of this country and those which are more distant.

5. While, however, I am of opinion that it is impossible for His Majesty's government of its own motion or by communicating with the colonies, to introduce changes of the kind now proposed before the conference meets, I am far from saying that there should not be discussion of this and probably other proposals in regard to the organization of the forthcoming and of future conferences. On the contrary I have already called attention to the subject in my despatch of February 22 last, and I think it very desirable that the conference should give some consideration to these matters and should adopt any methods which may be calculated still further to increase the advantages that the Empire has gained by its meetings and deliberations.

ELGIN.

From Lord Elgin to Lord Grey.

DOWNING STREET, December 6, 1906.

MY LORD,—With reference to previous correspondence on the subject of the Colonial Conference of 1907, I have the honour to forward a printed paper containing the resolutions proposed to be submitted to the conference by the government of the commonwealth of Australia.

2. I would explain that further resolutions will be proposed for discussion by New Zealand and Cape Colony, and that, until these are received, it is impossible to state definitely what subjects will actually come forward for discussion within the time which may be available for the conference. I hope to address you further on this matter at a later date, and meanwhile forward the inclosed papers for the information of your ministers.

3. In connection with the penultimate paragraph of the second resolution, I may draw attention to my despatch No. 31, of the 19th of January, and its inclosure.

ELGIN.

RESOLUTIONS of Government of Commonwealth of Australia to be submitted to Colonial Conference.

I.—The Imperial Council.

That it is desirable to establish an Imperial Council, to consist of representatives of Great Britain and the self-governing colonies, chosen *ex officio* from their existing administrations.

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That the objects of such council shall be to discuss at regular conferences matters of common Imperial interest, and to establish a system by which members of the council shall be kept informed during the periods between the conferences in regard to matters which have been or may be subjects for discussion.

That there shall be a permanent secretarial staff charged with the duty of obtaining information for the use of the council, of attending to the execution of its resolutions, and of conducting correspondence on matters relating to its affairs.

That the expenses of such a staff shall be borne by the countries represented on the council in proportion to their populations.

II.—Preferential Trade and International Relations.

That the following resolutions, which were adopted by the conference of 1902, be reaffirmed:—

‘1. That this conference recognizes that the principle of preferential trade between the United Kingdom and His Majesty’s dominions beyond the seas would stimulate and facilitate mutual commercial intercourse, and would, by promoting the development of the resources and industries of the several parts, strengthen the Empire.’

‘2. That this conference recognizes that, in the present circumstances of the colonies, it is not practicable to adopt a general system of free trade as between the mother country and the British dominions beyond the seas.

‘3. That with a view, however, to promoting the increase of trade within the Empire, it is desirable that those colonies which have not already adopted such a policy, should, as far as their circumstances permit, give substantial preferential treatment to the products and manufactures of the United Kingdom.’

That the following resolutions be added:—

That it is desirable that the preferential treatment accorded by the colonies to the products and manufactures of the United Kingdom be also granted to the products and manufactures of other self-governing colonies.

That it is desirable that the United Kingdom grant preferential treatment to the products and manufactures of the colonies.

III.—Imperial Court of Appeal.

That it is desirable to establish an Imperial Court of Appeal.

IV.—Imperial Defence.

That it is desirable that the colonies should be represented on the Imperial Council of Defence.

That the colonies be authorized to refer to that Council for advice any local questions in regard to which expert assistance is deemed desirable.

That the provisions of the Naval Defence Agreement, 1902, be reconsidered.

V.—Merchant Shipping and Coastwise Trade.

That the resolution of the conference of 1902, which was in the following terms, be reaffirmed:—

‘That it is desirable that the attention of the Governments of the Colonies and the United Kingdom should be called to the present state of the navigation laws in the Empire, and in other countries, and to the advisability of refusing the privileges of coastwise trade, including trade between the mother country and its colonies and possessions, and between one colony or possession and another, to countries in which the corresponding trade is confined to ships of their own nationality, and also to the laws affecting shipping, with a view of seeing whether any other steps should be taken to promote Imperial trade in British vessels.’

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That the Imperial Government be requested to take the necessary steps for the revision of any commercial treaties which prevent preferential treatment being accorded to British goods carried in British ships.

Other resolutions to be deferred until the receipt of the resolutions of the Merchant Shipping Conference.

VI.—Organization of Colonial Office.

That the Secretary of State for the Colonies be invited to frame a scheme which will create opportunities for members of the permanent staff of the Colonial Office to acquire more intimate knowledge of the circumstances and conditions of the colonies with whose business they have to deal, whether by appointment, temporary interchanges, or periodical visits of officers, or similar means.

VII.—Imperial Stamp Charges on Colonial Bonds.

That in order to encourage investment in colonial bonds it is desirable that the stamp charges imposed in the United Kingdom should be reduced.

VIII.—Islands of the Pacific.

That in view of the probable completion of the Panama canal it is desirable that all possible means of strengthening British interests in the Pacific should be adopted.

IX.—Emigration.

That it is desirable to encourage British emigrants to proceed to British colonies rather than foreign countries.

That the Imperial Government be requested to co-operate with any colonies desiring immigrants in assisting suitable persons to emigrate.

X.—Silver Coinage.

That the profit on silver coined for the colonies be credited to the colonies in respect to which it is gained.

XI.—Decimal Currency.

That the Imperial Government be requested to appoint a Royal Commission which would include representatives of the colonies, to take evidence and consider the advisableness of establishing a system of decimal coinage applicable to the whole Empire.

XII.—Metrical System.

That the following resolution, passed in 1902, be again considered :—

‘That it is advisable to adopt the metric system of weights and measures for use within the Empire, and the governments represented at this conference will recommend the same to their respective governments for adoption as soon as convenient.’

That, however, the conference is of opinion that it is desirable that when the change to the metric system is made it should be simultaneous throughout the Empire.

XIII.—Mutual Protection of Patents.

That it is desirable, in the interests of inventors and the public, that patents granted in Great Britain or in any colony possessing a Patent Office of a standard to be specified should be valid throughout the Empire.

That the Imperial Patents Office be desired to recommend the necessary steps to secure this end.

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XIV.—Treaty Obligations as Affecting Dependencies of the Empire.

That the Imperial Government be requested to prepare for the information of colonial governments statements showing the privileges conferred and the obligations imposed on the colonies by existing commercial treaties, and that inquiries be instituted in connection with the revision proposed in Resolution No. 5 to ascertain how far it is possible to make those obligations and benefits uniform throughout the empire.

From Lord Elgin to Lord Grey.

DOWNING STREET, Jan. 19, 1906.

MY LORD,—With reference to my predecessor's despatch No. 303 of the 24th August, I have the honour to transmit to you for the consideration of your ministers, copy of a despatch from the Governor-General of Australia on the subject of the establishment of preferential trade relations between Canada and the Commonwealth.

2. Referring to the third paragraph of Mr. Deakin's letter to Lord Northcote, I may observe that, as your Ministers are already aware, the Colonial Conference will in all probability be deferred till 1907.

ELGIN.

COMMONWEALTH OF AUSTRALIA.

GOVERNOR GENERAL'S OFFICE,

MELBOURNE, November 28, 1905.

The Rt. Hon.

The Secretary of State
for the Colonies.

SIR,—Referring to your despatch No. 153, dated 24th August, 1905, forwarding, for the consideration of my ministers, a copy of a despatch from the Governor General of Canada, inclosing for transmission a copy of a Minute of the Privy Council of Canada regarding the establishment of preferential trade relations between the Dominion and the Commonwealth, I have the honour to inform you that I duly submitted your despatch to my ministers for consideration.

2. I now beg to inclose copy of a despatch which has been addressed to me by my Prime Minister, in reply thereto; and shall be glad if you will be good enough to forward the same for the consideration of the Government of Canada.

NORTHCOTE.

Governor General.

COMMONWEALTH OF AUSTRALIA.

PRIME MINISTER'S OFFICE,

MELBOURNE, November 27, 1905.

MY LORD,—With reference to the despatch of the Secretary of State for the colonies, No. 155, dated 24th August, forwarding a communication from the Governor General of Canada regarding the establishment of preferential trade relations between the Dominion and the Commonwealth, I have the honour to inform Your Excellency that the subject has received the careful attention of the government.

2. The officers of the Department of Trade and Customs advise that it would be very difficult, without some preliminary understanding, to frame a schedule of preferential tariff rates owing to the restricted nature of the trade between Australia and Canada. In view of this fact it would appear advisable that advantage should be

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taken of the alternative course suggested in Lord Grey's despatch, and that an endeavour should be made to arrange for a conference between delegates representing the two governments.

3. This government has now the pleasure of expressing its willingness to consider any proposal for such a conference. So far no date has yet been fixed for the holding of the next Colonial Conference in London. It is possible that by the time Your Excellency's communication on this subject reaches Canada, the Imperial authorities may have intimated their intentions regarding such conferences. If so, I shall be pleased to learn whether in the view of Lord Grey's ministers that occasion would afford a suitable opportunity for the discussion of the principles on which any scheme of preference should be based.

4. It may be that a more convenient course would be for the Canadian government to first submit for the consideration of this government a memorandum setting out.

(a) What articles of Canadian produce or manufacture they desire to be favoured on admission to Australia, and

(b) Similar articles from Australia to which they are prepared to give a preference, and to what extent.

5. If that suggestion finds acceptance I shall be pleased if Your Excellency will state that such a communication will receive the fullest consideration of this government, who are anxious to facilitate any movement which will promote the commerce of Canada and Australia, and which will, therefore, tend to bring the Commonwealth and the Dominion into closer relations.

6. May I ask that Your Excellency will forward the purport of this communication to Mr. Lyttelton for communication to the Governor General of Canada.

ALFRED DEAKIN.

From Lord Elgin to Lord Grey.

DOWNING STREET, December 13, 1906.

MY LORD,—With reference to my general despatch of the 6th December, I have the honour to transmit for the information of your ministers the inclosed printed paper containing the resolutions proposed to be submitted to the Colonial Conference by the Government of New Zealand.

ELGIN.

RESOLUTIONS of Government of New Zealand for submission to Colonial Conference.

I.—Imperial Council.

That it would be to the advantage of the Empire, and facilitate the dealing with questions that affect the over-sea dominions, if an Imperial Council were established to which each of the self-governing colonies should send a representative.

II.—Preferential Trade.

That it is essential to the well-being of both the United Kingdom and His Majesty's dominions beyond the seas, that in the over-sea dominions preferential tariffs in favour of British manufactured goods carried in British-owned ships should be granted, and that in the United Kingdom preferential rates of duty on colonial products now taxable should be conceded.

III.—Reciprocal Admission of Barristers.

That provision should be made throughout the Empire for the reciprocal admission of barristers to practice, and in particular that the mere fact that in any

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dependency the two branches of the profession are amalgamated should not be a bar to the admission of barristers of that dependency to practice in England or elsewhere.

IV.—Naturalization.

That the law as to naturalization should be uniform throughout the Empire and that naturalization, wherever granted, should be Imperial, and not local—subject, however, to the right of any self-governing dependency to impose special conditions if it thinks fit.

V.—Defence.

That the question of an increased contribution by the Australasian colonies to the Australasian-New Zealand squadron should be considered, together with other matters respecting colonial defence.

VI.—Islands of the Pacific.

That in the interests of the dominion in the Pacific the governments of these dominions should be consulted before any convention or agreement respecting the Pacific islands is entered into between the Imperial government and any foreign country.

VII.—Reservation of Bills.

That a uniform practice should be adopted in connection with the reservation of Bills for the Royal Assent, and that in the case of self-governing dependencies the Royal instructions on the subject are too restrictive, and should be modified.

VIII.—Reciprocity as to Land Surveyors.

That reciprocity should be established between the respective governments and examining authorities throughout the Empire with regard to the examination and authorization of land surveyors, so that any surveyor who has properly complied with the tests and conditions prescribed by the Imperial government or the government of any self-governing dependency, and has duly received the requisite authority to enable him to act as surveyor, should be enabled to practice his profession in any other part of the Empire, subject only to his satisfying the government or examining authority of the country in which he desires to practice of his knowledge of the necessary local Acts or regulations which may be in force therein relating to the survey of land therein.

IX.—Preferential Trade Between Self-Governing Dependencies.

That all doubts should be removed as to the right of the self-governing dependencies to make reciprocal and preferential fiscal agreements with each other and with the United Kingdom; and further, that such right should not be fettered by Imperial treaties or conventions without their concurrence.

X.—International Penny Postage.

That in view of the enormous social and political advantages, and the very material commercial advantages to accrue from a system of international penny postage, and of the further fact that any depression in postal revenue resulting from the adoption of such a system has now been proved to be only temporary in duration and inconsiderable in amount, this conference recommends to His Majesty's government the advisability of approaching the governments of those states, members of the Universal Postal Union which have hitherto declined to agree either to an interchange of letters at a one penny rate for the minimum rate or to the receipt of letters from abroad at the same rate, with a view to a more general, and, if possible, a universal adoption of that rate.

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From Lord Elgin to Lord Grey.

DOWNING STREET, December 14, 1906.

MY LORD,—I have the honour to acquaint you, for the information of your ministers, that the government of Cape Colony have suggested as a subject for discussion at the coming Colonial Conference the question of uniform laws to regulate the naturalization of aliens.

2. As a preliminary to such a discussion, which I trust may be possible within the time available for the conference, I think it may be convenient to make some reference to the correspondence which has passed upon this question.

3. In his circular despatch of the 10th of October, 1901, Mr. Chamberlain forwarded the report of an Inter-departmental Committee appointed to consider doubts and difficulties which had arisen respecting the Naturalization Acts. For convenience of reference I inclose a copy of that report, which dealt in some detail with the anomalies existing in the naturalization laws of the various colonies and the mother country, and suggested Imperial legislation on certain specified lines. It was decided to obtain the views of the colonies under responsible government before considering the proposed legislation.

4. The answer of the Canadian Government to Mr. Chamberlain's despatch will be found printed on pages 151-152 of the Blue Book recording the results of the Colonial Conference of 1902 (Cd. 1299). The Governments of Newfoundland and Natal in despatches dated the 2nd and 29th of January, 1902, respectively expressed general concurrence in the report of the Inter-departmental Committee. The Government of New Zealand suggested that the question should be discussed at the Colonial Conference of 1902, and the governments of the Commonwealth of Australia and of Cape Colony expressed no opinion.

5. The question was in due course considered at the Colonial Conference of 1902 but the discussion revealed some divergence of view and no definite conclusion was recorded.

6. Subsequently the Government of Cape Colony forwarded a full expression of their views on the report of the Inter-departmental Committee in a minute dated the 11th of April, 1904, a copy of which is inclosed in this despatch. Further, the Colonial Naturalization Acts of the self-governing colonies, of which copies are printed in the Appendix to the report of the Inter-departmental Committee, were amended in some cases, as will be seen by reference to the various Acts of which copies are inclosed for convenience of reference.

7. To complete the reference to this part of the subject it may be well to add that though the Cape Colony Naturalization Acts have not been amended, the government of that colony have expressed their intention of conforming to the principle of the Natal Act No. 18 of 1895 (section 2) in considering applications for naturalization. It may be added that this section of the Natal Act has also been embodied in the laws of the Transvaal and Orange River Colony.

8. The report of the Inter-departmental Committee was further considered in this country after the Colonial Conference of 1902 and a draft Bill was prepared for consideration. The matter has not, however, gone any further in view of pressure of other legislative demands, and of the fact that His Majesty's Government have not been furnished with the views of all the colonies on the question. The latter fact has also made it impossible for them to take any action in connection with the views of the Governments of Canada and Cape Colony referred to above.

9. As, however, the question will probably come up for discussion at the next Conference, I think it may be useful now to forward a copy of the draft Imperial Bill which was prepared, together with a copy of a memorandum explaining its provisions. I shall be glad if your Ministers will give these documents their careful consideration and favour me with their views before the conference meets. I desire, however, to explain that the Bill is a preliminary draft only and that its terms are in no way finally settled.

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10. In view of the fact that under the law of this country non-European birth or descent is not a bar to naturalization as it is in some colonies, I think it right to draw your ministers' special attention to clause 9 of the Bill, which will make it clear, if it was not already clear before, that all persons naturalized in this country would have the full status and privileges of a natural born British subject in all the colonies.

ELGIN.

ALIENS AND NATURALIZATION BILL.

ARRANGEMENT OF CLAUSES.

Clause.

Status of Aliens.

1. Capacity of an alien as to property.
2. Saving as to British ships.
3. Power of naturalized aliens to divest themselves of their status in certain Cases—
4. Trial of alien.

Expatriation.

5. How British-born subject may cease to be such.
6. Capacity of British subjects to renounce allegiance to His Majesty.

Naturalization and Resumption of British Nationality.

7. Secretary of State may grant certificate of naturalization.
8. Proceedings to be taken to obtain certificate.
9. Effect of naturalization.
10. Special certificate in case of doubt.
11. As to aliens naturalized before the Act.
12. Revocation of certificate of naturalization.
13. Saving of allegiance prior to expatriation.

National Status of Married Women and Infant Children.

14. National status of married women.
15. Status of widows.
16. Status of divorced woman.
17. Status of children.

Procedure and Evidence.

18. Regulations to be made by Secretary of State.
19. Effect of regulations.
20. Regulations as to evidence of declarations.
21. Evidence of certificate of naturalization.
22. Entries in registers.
23. Application of 31 & 32 Vict. c. 37, to regulations.
24. Penalty on making false declaration.
25. Form of oath of allegiance.

Powers of Colonial Legislatures and Governors.

26. Naturalization of aliens in British dominions outside the United Kingdom.
27. Power of colonies to legislate with respect to local naturalization.

Natural-born British Subjects.

28. Definition of natural-born British subject.

Supplemental.

- 29. Saving of letters of denization, &c.
 - 30. Repeal of Acts.
 - 31. Definitions.
 - 32. Short title.
- SCHEDULES.

Draft of a Bill to consolidate and amend the Enactments relating to Aliens and Naturalization.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Status of Aliens.

1. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided that this section shall not—

- (1) Confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise: or
- (2) Entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him: or
- [(3) Affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the twelfth day of May, one thousand eight hundred and seventy, or in pursuance of any devolution by law on the death of any person dying before that day.]

2. Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

3. Where His Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by Order in Council, to declare that such convention has been entered into by His Majesty; and from and after the date of such order, any person being originally a subject or citizen of the state therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration he shall be regarded as an alien, and as a subject of the state to which he originally belonged as aforesaid.

4. An alien shall be triable in the same manner as if he were a natural-born British subject.

Expatriation.

5.—(1) Any person who by reason of his having been born within His Majesty's dominions is a natural-born British subject, but who at his birth became under the law of any foreign state a subject also of that state, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and from and after making the same shall cease to be a British subject [and shall be deemed to be an alien].

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(2) Any person born out of His Majesty's dominions of a father being a British subject may, if of full age, and not under disability, make a declaration of alienage, and from and after making the same shall cease to be a British subject [and shall be deemed to be an alien].

6. A British subject who, when in any foreign state and not under disability, by any voluntary and formal act [whether by obtaining a certificate of naturalization or otherwise] becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject [and shall be deemed to be an alien].

Naturalization and Resumption of British Nationality.

7. An alien who, within such limited time before making the application herein-after mentioned as has been under any Act hereby repealed or may be allowed by the Secretary of State, either by general order or on any special occasion, has resided in His Majesty's dominions for not less than five years or has been in the service of the Crown for not less than five years, and who intends, when naturalized, either to reside in His Majesty's dominions, or to serve under the Crown, may apply to the Secretary of State for a certificate of naturalization.

8. The applicant shall adduce in support of his application, evidence of his residence or service, and intention to reside or serve. The Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

9.—(1) A naturalized person shall be entitled to all political and other rights, powers and privileges, and be subject to all obligations, duties and liabilities to which a natural-born British subject is entitled or subject and shall to all intents and purposes have, as from the date of his naturalization, the status of a natural-born British subject.

(2) In section three of the Act of Settlement (which disqualifies naturalized aliens from holding certain offices), the words "naturalized or" shall be repealed.

10. The Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate under this Act, or any Act hereby repealed, shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

11. An alien who has been naturalized before the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and the Secretary of State may grant to him a certificate on such terms and conditions as he may think fit.

12.—(1) Where it appears to the Secretary of State that a certificate of naturalization has been obtained by false representations or fraud, the Secretary of State may by order revoke the certificate, and the order or revocation shall have effect from such date as the Secretary of State may direct.

(2) Where the Secretary of State revokes a certificate of naturalization he may order the certificate to be given up and cancelled, and any person refusing or neglecting to give up the certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

13. Where any British subject has become an alien, he shall not thereby be discharged from any obligation, duty, or liability in respect of any act done before he so became an alien.

National Status of Married Women and Infant Children.

14. A married woman shall be deemed to be a subject of the state of which her husband is for the time being a subject.

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Alternative.—As regards married women, the wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien.

15. A woman being a natural-born British subject, who by or in consequence of her marriage has become an alien, shall not, by reason only of the death of her husband, cease to be an alien.

16. The status of a divorced woman shall be the same as the status of a widow.

17.—(1) Where an alien obtains a certificate of naturalization, the Secretary of State may, if he thinks fit, on the application of that alien, include in the certificate the name of any child born before the date of the certificate, and that child shall thereupon become a British subject; but any child so naturalized may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

[(2) Every child of a naturalized father born after naturalization shall be deemed to be a British subject.]

(3) Subject to the provisions of the next succeeding subsection, where a British subject becomes an alien, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject [whether he be a resident with his father or not].

(4) Where a widow, who is a British subject, marries an alien, any child of hers by her former husband shall not by reason only of her marriage, cease to be a British subject [whether he is residing outside His Majesty's dominions or not].

(5) Where a woman who was a British subject, has lost her nationality by or in consequence of her marriage, and is thereafter left a widow, the Secretary of State may, if he thinks fit, grant a certificate of naturalization to any child of that marriage, although the conditions described in section eight of this Act have not been complied with.

Alternative.—(5) The Secretary of State may, in his discretion, and for good cause shown, grant a certificate of naturalization to any minor, although the conditions described in section eight of the Act have not been complied with.

(6) Except as provided by this section, a certificate of naturalization [or alienage] shall not be granted to any person under disability.

Procedure and Evidence.

18. The Secretary of State may make regulations for carrying into effect the objects of this Act, and in particular make such regulations as he thinks fit in respect of the following matters:—

- (1) The form and registration of certificates of naturalization in the United Kingdom;
- (2) The form and registration of declarations of alienage;
- (3) The registration by officers in the diplomatic or consular service of His Majesty of the births and deaths of British subjects born or dying out of His Majesty's dominions;
- (4) The persons by whom the oath of allegiance may be administered, and the persons before whom declarations of naturalization and alienage may be made;
- (5) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested;
- (6) The registration of such oaths;
- (7) The persons by whom certified copies of such oaths may be given;
- (8) The transmission to the United Kingdom, for the purpose of registration or safe keeping, or of being produced as evidence, of any declarations, certificates, or oaths made or taken in pursuance of this Act or of any Act hereby repealed out of the United Kingdom or of any copies thereof, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of this Act or any Act hereby repealed ;

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- (9) The proof in any legal proceeding of such oaths;
- (10) With the consent of the Treasury the imposition and application of fees in respect of any registration authorized to be made by this Act or any Act hereby repealed, and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act hereby repealed, and in respect of the administration or registration of any oath.

19. Any regulation made by the said Secretary of State in pursuance of this Act [or of any Act hereby repealed] shall be of the same force as if it had been enacted herein, but shall not so far as respects the imposition of fees be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any Act or ordinance to the contrary of or inconsistent with any such regulation may for the time being be in force.

20. Any declaration made under this Act, or under any Act hereby repealed, may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorized by him in that behalf, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date therein mentioned.

21. A certificate of naturalization may be proved in any legal proceedings by the production of the original certificate, or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorized by him in that behalf.

22. Entries in any register made in pursuance of this Act, or under any Act hereby repealed, shall be proved by such copies and certified in such manner as may be directed by the Secretary of State, and the copies of such entries shall be evidence of any matters by this Act or by any Act hereby repealed, or by any regulation of the Secretary of State, authorized to be inserted in the register.

23. The Documentary Evidence Act, 1868, shall apply to any regulation made by a Secretary of State in pursuance of this Act or any Act hereby repealed.

24. Any person wilfully and corruptly making or subscribing any declaration under this Act, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment, with or without hard labour, for any term not exceeding twelve months.

25. The oath of allegiance shall be in the form set forth in the First Schedule to this Act.

Powers of Colonial Legislatures and Governors.

26.—(1) Where it appears to His Majesty in Council that under any law for the time being in force in any British possession, the conditions to be fulfilled by aliens with respect to naturalization are substantially the same as those required for the grant of certificates of naturalization under this Act, His Majesty may by Order in Council empower the Governor of that possession in his discretion to grant to any person naturalized in that possession a certificate of naturalization in the prescribed form, and that certificate shall have effect to all intents and purposes as if it were a certificate of naturalization granted by the Secretary of State under this Act.

(2) His Majesty may revoke any such Order if it appears to His Majesty that the law of the British possession referred to in the Order has been so altered as to make it inexpedient that the Order should continue in force.

(3) As regards any British possession with respect to which no such Order in Council has been made, or with respect to which the Order in Council has been revoked, the Governor of that possession may, in the prescribed form, and subject to any regulation made by the Secretary of State, make a recommendation to the Secretary of State that a certificate of naturalization should be granted to any specified alien resident or serving the Crown in that possession, and thereupon the Secretary of State may, if he thinks fit, grant a certificate of naturalization accordingly.

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(4) Where in any British possession there is a Governor General and also subordinate governors, the expression "Governor" means the Governor General, and in the case of India means Governor General in Council.

27. All laws, statutes, and ordinances made by the legislature of a British possession for imparting to any person any of the privileges of naturalization to be enjoyed by him within the limits of that possession, shall within those limits have the authority of law, but subject to be confirmed or disallowed by His Majesty.

Natural-born British Subjects.

28.—(1) The following persons shall be deemed to be natural-born British subjects namely,—

- (a) Any person born in His Majesty's dominions [and ligeance] ; and
- (b) Any person born out of His Majesty's dominions, whose father was born in His Majesty's dominions, and was a British subject at the time of that person's birth ; and
- (c) Any person born on a British ship [whether in foreign territorial waters or not].

(2) A person born on a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

(3) The British Nationality Act, 1772, which naturalizes under certain conditions the grandchildren of natural-born British subjects born abroad, is hereby repealed.

Supplemental.

29. Nothing in this Act shall affect—

- (1) the grant of letters of denization by His Majesty ; or
- (2) the ex-territoriality of embassies and diplomatic missions ; or
- (3) the status of the child of an alien enemy.

30. The enactments mentioned in the second schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

31. In this Act, unless the context otherwise requires—

'Disability' means the status of being an infant, lunatic, idiot, or married woman ;

'Prescribed' means prescribed by regulations under this Act.

32. This Act may be cited as the Aliens and Naturalization Act, 1907.

SCHEDULES.

FIRST SCHEDULE.

Oath of Allegiance.

'I, _____, do swear that I will be faithful and bear true allegiance to His Majesty King Edward the Seventh, his heirs and successors, according to law. So help me God.'

[N.B.—In the case of persons entitled and wishing to affirm, this form may be modified in manner prescribed by the Oaths Act, 1888.]

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Session and Chapter.	Title or Short Title	Extent of Repeal
25 Edw. 3. stat. 1.	Statute for those who are born in parts beyond the seas.	From "and in the right of other children" to the end of the statute.
12 & 13 Will. 3. c. 2.	The Act of Settlement.	In section three the words "naturalised or."
7 Anne, c. 5.	The Foreign Protestants (Naturalization) Act, 1708.	The whole Act.
4 Geo. 2. c. 21.	The British Nationality Act, 1730.	The whole Act.
13 Geo. 3. c. 21.	The British Nationality Act, 1772.	The whole Act.
33 Vict. c. 14.	The Naturalization Act, 1870.	The whole Act.
33 & 34 Vict. c. 102.	The Naturalization Oath Act, 1870.	The whole Act.
35 & 36 Vict. c. 39.	The Naturalization Act, 1872.	The whole Act.
58 & 59 Vict. c. 43.	The Naturalization Act, 1895.	The whole Act.

LAW OF ALIENS AND NATURALIZATION BILL.

MEMORANDUM.

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LAW OF ALIENS AND NATURALIZATION BILL.

MEMORANDUM.

§ 1. Every natural person is either a British subject or an alien.

At common law every person born within the dominions and ligeance of His Majesty is a British subject, and every person born outside those dominions and ligeance is an alien. *Prima facie*, dominions and ligeance are co-extensive, but the common law recognizes two possible exceptions. In the first place it recognizes the extritoriality of embassies and diplomatic missions, and in the second place it seems that the child of an alien enemy born in British territory during the hostile occupation of that territory is not a British subject.

A person born on a British ship is deemed to have been born in the British dominions, whether the ship be on the high seas or in foreign territorial waters, and whether his parents be British or alien, and whether he be legitimate or illegitimate.

§2. The maximum of the common law is *nemo potest exuere patriam*, i.e., once a British subject always a British subject, and once an alien always an alien. But this

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simple and unbending rule has been altered by a series of statutes. In the first place the common law definition of 'natural-born British subject' has been extended by statute so as to include, under certain conditions, the children and grandchildren of such subjects.

By 25 Edw. 3, children born without the ligeance of the King, *i.e.*, in foreign countries, whose fathers and mothers at the time of their birth are in the faith and ligeance of the King, are to be deemed to be British subjects and capable of inheriting.

By the Foreign Protestants (Naturalization) Act, 1708 (7 Anne, c. 5), the children of all natural-born subjects born out of the ligeance of Her Majesty are to be deemed to be natural-born subjects of this kingdom to all intents and purposes whatsoever.

By the British Nationality Act, 1730 (4 Geo. 4, c. 21), which was passed to remove doubts, it is provided that all children born out of the ligeance of the Crown, whose fathers were or shall be natural-born subjects at the time of the birth of those children, shall be deemed to be natural-born subjects to all intents and purposes, but there is an exemption in the case of children born of persons who have been attainted of treason, or outlawed.

By the British Nationality Act, 1772 (72 Geo. 3, c. 21), British nationality was extended to the children of fathers who were treated as natural-born British subjects under the previous Acts. The effect of this statute is that the grandchild of a person born in British dominions is to be deemed to be a British subject.

Having regard to more recent statutes relating to alienage, the operation of the statutes above cited must clearly be confined to children whose fathers were British subjects at the time of their birth. Take the case of a child born in America whose father was also born in America, but whose grandfather was born in England, but afterwards became an American subject. Clearly that child is an American and not a British subject. Probably the effect of the statutes may be summed up as follows:—

The following persons are deemed to be natural-born British subjects, namely:—

Any person born outside His Majesty's dominions whose father was born in His Majesty's dominions, and was a British subject at the time of that person's birth; and also

Any person born outside His Majesty's dominions whose paternal grandfather was born in His Majesty's dominions, and whose father was a British subject at the time of that person's birth.

Any other person born outside His Majesty's dominions is an alien.

§ 3. In the second place legislation has now made provision (a) for the naturalization of aliens, and (b) for the expatriation of British subjects.

Before the year 1844 the only way in which an alien could acquire the rights of a British subject was by obtaining a special Act of Parliament. The general Act passed in that year, viz., 7 & 8 Vict. c. 66 (an Act to amend the Law relating to Aliens), made provisions for the naturalization of aliens who should take the prescribed oath and become residents in the United Kingdom. This Act is now repealed by the Act of 1870.

By the Naturalization Act, 1870 (33 & 34 Vict. c. 14), further provision was made for the naturalization of aliens, and the power of expatriation under certain conditions was conferred on British subjects.

The main amendments of the law effected by the Act of 1870 were:—

(1) Removal of the restrictions upon the acquisition and holding of real and personal property by aliens in the United Kingdom; except property in British ships.

(2) Requirement, as a condition of a grant of a certificate of naturalization, of residence for five years in the United Kingdom, or of service under the Crown for the same period, and of intention of continuing so to reside or serve after naturalization.

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- (3) Limitation of the principle that British nationality is indelible (*a*) by permitting a natural-born British subject who also at his birth became a subject of a foreign State, to divest himself of British nationality; (*b*) by making the loss of British nationality a necessary and immediate consequence of voluntary naturalization in a foreign country.
- (4) Detailed provisions as to the effect of naturalization or loss of nationality by the husband or father upon the status of the wife and children.
- (5) Provision for the re-admission or re-naturalization of a person who had lost his British nationality.

By the Naturalization Oath Act, 1870 (33 & 34 Vict. c. 102), further power of making regulations was bestowed on the Secretary of State, especially with regard to oaths of allegiance, and a penalty for making false declarations was imposed.

By the Naturalization Act, 1872 (35 & 36 Vict. c. 39), renunciations of naturalization or nationality made under the Supplementary Convention with the United States, dated the 23rd of February, 1871, are confirmed, and are to be deemed to be authorized by the Act of 1870. Presumably, it will not be necessary to re-enact this provision in a new Consolidation Act.

By the Naturalization Act, 1895 (58 & 59 Vict. c. 43), s. 10 of the Naturalization Act, 1870, was amended in respect of the children of naturalized British subjects, when the father was in the service of the Crown outside the United Kingdom, and residence with the father outside the United Kingdom was put on the same footing as residence in the United Kingdom.

The Appendix to the Report of the Inter-Departmental Committee sets out the laws and ordinances of the various British colonies and possessions dealing with naturalization and alienage within their respective territories.

§ 4. An alien is either an alien enemy or an alien friend. Speakly broadly, the rights of an alien enemy, whether proprietary or contractual, are suspended during hostilities, but revive on the renewal of peace. An alien enemy, unless under the King's license, cannot sue in our courts, and a contract made with him during hostilities is illegal. But the plea that the plaintiff is an alien enemy is only a plea in abatement, therefore, under certain limitations, he can sue after peace on a contract made before the war. According to the common law theory, anyone might seize the property of an alien, but this rule is now confined to capture under the authority of the executive according to the rules of modern warfare.

§ 5. Speaking generally, an alien friend while staying in the King's dominions has the temporary, as opposed to the permanent, rights and duties of a British subject. He may sue and be sued; he enjoys the protection of the law and therefore is bound to obey it, but his allegiance is strictly local and temporary. He cannot be a privy councillor or a member of parliament, nor can he hold any public office, whether civil or military, or exercise any franchise, whether parliamentary or municipal.

At common law an alien could not acquire or inherit real property; but this disqualification has now been removed by s. 2 of the Naturalization Act, 1870 (33 & 34 Vict. c. 14, s. 2). An alien has always been able to hold and dispose of personal property, with the exception, that he cannot own a British ship or any share therein. Formerly an alien charged with a criminal offence was entitled to be tried by a jury *de medietate lingue*, but this rule has now been abrogated by s. 5 of the Naturalization Act, 1870.

The enlistment of aliens in the Army is now regulated by s. 95 of the Army Act (44 and 45 Vict., c. 58), which provides as follows:—

(1) Any person who is for the time being an alien may, if Her Majesty think fit to signify her consent through a Secretary of State, be enlisted in Her Majesty's regular forces, so however that the number of aliens serving together at any one time in any corps of the regular forces shall not exceed the proportion of one alien to every fifty British subjects, and that an alien so enlisted shall not be capable of holding

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any higher rank in Her Majesty's regular forces than that of a warrant officer or non-commissioned officer.

(2) Provided that notwithstanding the above provisions of this section any negro or person of colour, although an alien, may voluntarily enlist in pursuance of this part of this Act, and when so enlisted shall while serving in Her Majesty's regular forces be deemed to be entitled to all the privileges of a natural-born British subject.

Though Cyprus is in theory under the suzerainty of Turkey, for the purpose of the Army Act (44 & 45 Vict., c. 58), Cyprus is by s. 190 (23), included in the term 'colony.'

By the Registration of Aliens Act, 1863 (6 & 7 Will. 4, c. 11), the master of every ship arriving in the United Kingdom from foreign parts was bound to furnish the Customs authorities with a list of all aliens, not being part of the crew, landing in the United Kingdom, and all aliens arriving in the United Kingdom were bound to make a declaration stating the country to which they belonged, and producing passports (if any). This Act fell into desuetude, with the abolition of the passport system, but since 1890 its operation has been partially revived, and alien lists of steerage passengers are compiled for certain ports.

Comparing the status of a British subject with the status of an alien, the Inter-Departmental Committee say:—

'The rights and privileges which constitute the status of a British subject are mainly the political rights and the capacities for the acquisition and holding of property mentioned later in this report; and, what are perhaps of still greater practical importance, those personal rights and privileges which a British subject carries with him into foreign countries. The principal of these are (1) the privilege of protection, subject to any paramount obligation which he may be under to any other State of which he is also a subject or citizen; (2) the right and liability to become a party to proceedings in British Consular Courts established under the Foreign Jurisdiction Act, 1890 (53 & 54 Vict. c. 37); (3) the right to be married in foreign countries under the provisions of the Foreign Marriage Act, 1892 (55 & 56 Vict., c. 23). On the other hand, there are special liabilities imposed on British subjects for acts committed in foreign countries. A British subject is amenable to British courts for treason (35 Hen. 8, c. 2), for murder, or manslaughter committed in a foreign country (24 & 25 Vict., c. 100, s. 9), and for bigamy (24 & 25 Vict. c. 100, s. 5). The law is the same with regard to certain offences under the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), and the Explosive Substances Act (46 & 47 Vict., c. 3, s. 3). In some parts of His Majesty's dominions, especially in British India, the liability of a British subject for offences committed outside the limits of the possession is much more extensive. There are also contained in most treaties of extradition special provisions affecting the surrender of the subjects of the country from which the surrender is demanded.' In addition to the statutes cited above reference may be made to the Foreign Enlistment Act, 1870 (33 & 34 Vict., c. 90), which is 'An Act to regulate the conduct of Her Majesty's subjects during the existence of hostilities between foreign states with which Her Majesty is at peace.'

The right of the Crown to prevent foreigners from entering its dominions, or to expel them when they have entered, is exceedingly indefinite. 'Alien friends,' says Mr. Chitty, writing in 1820, 'may lawfully come into the country without any license or protection from the Crown, though it seems that the Crown, even at common law and by the law of nations, possesses a right to order them out of the country, or prevent them from coming into it whenever His Majesty thinks proper.' But from want of machinery and otherwise, it is clear that these powers, in so far as they now exist, could only be exercised under the authority of a statute. In 1873, speaking of the extradition of a Chinaman charged with murder on the high seas, Lord Justice Mellish said, 'There is no doubt that in England no treaty unconfirmed by Act of parliament would be sufficient to enable a person to be given up. How far that may be so in a Crown colony I do not know.'

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In 1891, the Privy Council upheld the validity of a law passed in the colony of Victoria to exclude Chinese immigrants, and proceeded to say: 'Quite apart from statute, the case raises a grave question as to the plaintiff's right to maintain the action. He can only do so if he can establish that an alien has a legal right, enforceable by action, to enter British territory. No authority exists for the proposition that an alien has any such right. Circumstances may occur in which the refusal to permit an alien to land might be such an interference with international comity as would properly give rise to diplomatic remonstrance by the country of which he was native, but it is quite another thing to assert that an alien excluded from any part of Her Majesty's dominions by the executive government there can maintain an action in a British court.'

In India, under the Foreigners Act, 1864 (Act III. of 1864), the Governor General in Council may, by writing, order any foreigner to remove himself from British India, and to remove himself therefrom by a particular route, to be specified in the order, and local governments have the like power. This Act was apparently passed to give effect to s. 84 of the Government of India Act, 1833 (3 and 4 Will. 4, c. 85), which requires the Governor General in Council to make laws or regulations providing for the prevention or punishment of the illicit entrance into or residence in British India of persons not authorized to enter or reside therein.

The Alien Act of 1815 (55 Geo. 3; c. 54), contained an express power to the Crown to exclude aliens from the country: 'It was passed,' says Mr. Chitty, 'for the purpose of vesting extraordinary powers in the King and magistracy, in order that the country might be protected against aliens; it contains various wholesome provisions for that purpose.' But the Act was repealed as obsolete by the Statute Law Revision Act of 1873.

The whole question of the power to exclude aliens from British territory is carefully discussed in an article by Mr. Haycraft, entitled 'Alien Legislation and Prerogative of the Crown' in the *Law Quarterly Review* for 1897, pp. 165-186.

§6. The status of a person who is naturalized under a private Act presumably depends on the terms of the Act itself. By s. 7 of the Naturalization Act, 1870 (33 and 34 Vict., c. 14), an alien naturalized under that Act is entitled in the United Kingdom to all political and other rights, powers and privileges, and is subject to all obligations, to which a natural-born British subject is entitled and subject in the United Kingdom, with the qualification that when he is within the limits of the state of which he was a subject, he is not to be deemed a British subject unless he has ceased to be a subject of that state in pursuance of the law of that state or a treaty to that effect. This provision presumably overrides the provisions of s. 3 of the Act of Settlement (11 and 12, Will. 3, c. 2), which provides that a naturalized person is not to be a privy councillor or member of parliament, or to hold any office or place of trust either civil or military.

Mr. Westlake points out that it is not to be assumed that the child born abroad of a naturalized father is a British subject. The statutes cited above which naturalize children and grandchildren born abroad refer only to natural-born British subjects.

§ 7. By s. 13 of the Naturalization Act, 1870, nothing in that Act is to affect the grant of letters of denization by the Crown. Now that naturalization has been made easy, letters of denization are seldom resorted to. The status of a denizen is thus described by Mr. Chitty: 'Denization enables the alien to purchase, and to transmit lands by descent, &c., but does not qualify him to take any degree of nobility, or to sit in parliament, be of the Privy Council, or hold any office of trust, civil or military, or take any grant of lands from the Crown. This prerogative cannot be delegated by the Crown to anyone, and should be granted according to the statute 32 Hen. 8, c. 16, s. 7, with a proviso in the letters patent, that the denizen shall be obedient to the statutes in force before the making of that statute, but such proviso does not constitute a condition, and therefore the denization is not avoided by the denizen being guilty of a breach of the laws. Denization may be granted for life, or for years, or to the alien

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born, and the heirs of his body, or to the heirs generally, or for particular purposes and intents, and in certain places and no further, or upon condition.' Letters patent of denization have to issue from the Clerk of the Crown in Chancery, and the fee therefore is £18.

§8. Where the Crown exercises foreign jurisdiction in oriental or more or less uncivilized countries, foreigners are sometimes placed under the protection of the Crown, but the status of such protected persons is very vague and indefinite. To secure them a fair trial they are triable in our courts, and not in the courts of the native country.

The status of the subject of a native state in India is peculiar, owing to the general suzerainty of the British Crown, and to the rule which does not allow those states to have any foreign diplomatic relations. S. 15 of the Foreign Jurisdiction Act, 1890 (53 and 54 Vict., c. 37), provides that where any order in council made in pursuance of the Act extends to persons enjoying Her Majesty's protection, that expression shall include all subjects of the several princes and states in India (i.e., India as opposed to British India).

§9. English law cannot of course operate beyond His Majesty's dominions, and, however wide the words of a statute may be, it is always to be considered, if possible, as not contemplating any infringement of international law, or affecting the status of foreigners outside the British dominions. Each country must legislate for its own subjects. It follows, therefore, that a person who, according to English law is a British subject, may, according to the law of some foreign state, be also a subject of that state, and this, theoretically, gives rise to many legal complications. For example, the son of French parents born in England is, according to English law, an English subject, while according to the law of France he is a French subject (*see* Code Napoléon, section 10). English law in the main regards the place of birth, while the laws of most foreign countries look rather to the nationality of the father. English law is founded on the feudal principle of allegiance, while foreign law for the most part is founded on the Roman principle of citizenship determined by descent. But, as Mr. Hall points out, not much practical difficulty arises except through the performance of certain kinds of voluntary acts by the individual in doing which he would follow the law of the country which he preferred; his nationality would only come into play if he stood in need of protection, or if a demand were made for his extradition. It is, however, obviously convenient that future legislation should, where possible, avoid the creation of double nationality.

§10. Akin to the question of double nationality are the complications introduced by the acquisition or loss of territory through cession or conquest, or the dissolution of the personal bond where two kingdoms are united under the same Crown. Mr. Westlake thus sums up the law on these questions: 'The cession of British territory or the acknowledgment of its independence causes the loss of their British nationality by all persons domiciled within it at the date of the cession, unless they transfer their domicile to some territory which remains British, either at once, or within the time limited for that purpose by treaty. While the Crowns of two countries are held by the same person, the inhabitants of the two countries are not aliens in the two countries respectively, but the common nationality is dissolved by the dissolution of the personal tie.'

§11. The law of domicile presents many analogies with the law of nationality, but domicile and nationality are wholly distinct. A Frenchman may be domiciled in England, and his personal status may be affected thereby, while an Englishman may be domiciled in France with the like results.

The term 'domicile' is used rather loosely. Strictly a man is said to be domiciled in the country where he resides with the intention of permanently abiding there; but it is sometimes used with reference to any fixed place of residence as opposed to a mere visit. Referring to the term in its strict sense, Mr. Westlake says:—'The personal statute or law, with domicile as its criterion, is applied in England, to some extent or other with regard to guardianships, the capacity to marry and enter into other contracts, the effect of marriage on property, the legitimation of children by the

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subsequent marriage of their parents, the succession to movable property on death, and the transfer of property not at the time within any territorial jurisdiction.'

Comparing the law of domicile with the law of nationality, it may be noted that the domicile of a child is *prima facie* the domicile of his father at the time of his birth, that the domicile of a married woman follows the domicile of her husband, and that the domicile of a person under disability cannot be changed by his Act while that disability lasts. But there, for the most part, the analogies cease. Nationality in the main is a question of law, domicile in the main is a question of fact. Apart from statute, a man cannot change his allegiance, for that is a bilateral obligation imposed by law; but he can change his domicile, for that is a question of residence plus the *animus manendi*. So, though a man may have a double nationality and owe double allegiance he can in strictness have only one domicile. Lord Westbury puts the cases as follows:—'The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions, one by virtue of which he becomes the subject of some particular country, binding him by the tie of natural allegiance, and which may be called his political status; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status. The political status may depend on different laws in different countries, whereas the civil status is governed universally by one single principle, namely, that of domicile, which is the criterion established by law for the purpose of determining civil status. For it is on this basis that the personal rights of the party, that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy, must depend.'

§12. The status of a body corporate is determined by analogies, more or less inexact, drawn from the law of natural persons. For the most part, the status of a foreign corporation depends on its domicile, and questions of nationality are wholly irrelevant. Obviously, an English corporation doing business in England might consist mainly or wholly of foreign shareholders, and a foreign corporation doing business abroad might consist mainly or wholly of English shareholders, but the nationality of the shareholders and the nationality of the corporation itself could only give rise to practical consequences in the case of war. In time of war, difficult questions may arise as to how far a foreign corporation is to be regarded as an alien enemy. The point was raised and discussed, but by no means decided, in a recent case, and it is hardly possible at present to formulate any rules on the subject.

M. D. CHALMERS.

November, 1902.

ALIENS AND NATURALIZATION BILL.

Memorandum.

The object of this Bill is to consolidate, with amendments, the existing Naturalization Acts and the enactments which put the children born abroad of natural-born British subjects on the footing of natural-born subjects. Amendments of the existing law are shown in italics. In accordance with the report of the Inter-Departmental Committee, the provisions which relate to the readmission to British nationality of expatriated British subjects have been omitted. It may also be noted that the phrase 'statutory alien' has, in consequence, been got rid of.

Clause 1.—This clause reproduces section 2 of the Naturalization Act, 1870 (33 and 34 Vict., c. 14). The first proviso is clearly right. The right of an alien to hold real property in other parts of the King's dominions must clearly depend on the *lex loci rei sitæ*. In the first place, this is the universal rule as to reality; and in the second place, it would be very awkward to give aliens a right to acquire land in fortified possessions, such as Aden and Gibraltar. The third proviso may probably be

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omitted, as it would be sufficiently covered by the savings annexed to every repeal by section 38 of the Interpretation Act, 1889 (52 and 53 Vict., c. 63).

Clause 2.—This clause is in the nature of a saving, but it is so important that it seems better to retain it in a separate clause, as was done by section 14 of the Naturalization Act, 1870. The ownership of British ships and of any shares therein is regulated by section 1 of the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60).

Clause 3.—It may be a question whether section 2 of the Naturalization Act, 1872 (35 and 36 Vict., c. 39), should be reproduced as a subsection to this clause. That section was passed to remove doubts as to whether the supplementary convention with the United States, dated May 13, 1870 (regarding renunciation of nationality under the convention) was authorized by the Act of 1870. It is not clear what the nature of the doubts was, and the question may require further consideration.

Clause 4.—This clause reproduces section 5 of the Naturalization Act, 1870, with the omission of the words which abolished the jury *de medietate linguae*. Those words were repealed by a Statute Law Revision Act when they had done their work.

Clause 5.—This clause reproduces section 4 of the Naturalization Act, 1870, but the addition of the words in brackets seems required for uniformity of language with other parts of the Bill.

Clause 6.—This clause reproduces the first paragraph of section 6 of the Naturalization Act, 1870, with the substitution of the words 'by any voluntary and formal Act' for the word 'voluntarily.' The object of this change, which is recommended by the Inter-Departmental Committee (paragraph 45), is to draw a distinction between loss of nationality by the mere operation of the law of a foreign country and loss of nationality by the conscious and voluntary act of a British subject who desires to expatriate himself. The provisoes to section 6 are omitted to carry out the recommendation of the committee that no special provision should be made for the repatriation of ex-British subjects. A British subject who has become an alien should be on the same footing as any other alien.

Clause 7.—This clause reproduces the first paragraph of section 7 of the Naturalization Act, 1870, with this modification, namely, that residence or service in any part of His Majesty's dominions is substituted for residence or service in the United Kingdom as a condition of obtaining naturalization.

Clause 8.—This clause reproduces the second paragraph of section 7 of the Naturalization Act, 1870. It seems more convenient to break that section up into separate clauses, as distinct matters are dealt with.

Clause 9.—Subsection (1) is in substitution for the third paragraph of section 7 of the Naturalization Act, 1870. Under that section the effect of naturalization was confined to the United Kingdom. It was at least open to question whether a naturalized person was entitled to British protection abroad, and whether abroad or in the colonies he had the responsibilities of a British subject. In accordance with the recommendation of the committee, a naturalized person will now, as from the date of his naturalization, have the status of a natural-born subject of His Majesty. It will follow that his children, wherever born, will be British subjects.

Subsection (2) is perhaps unnecessary, as the words in the Act of Settlement which it is proposed to repeal are probably impliedly repealed by the Act of 1870. If so, it would be sufficient to treat the repeal as consequential, and insert it in the schedule.

Clause 10.—This clause reproduces the fourth paragraph of section 7 of the Naturalization Act, 1870. It may be worth considering whether the power of the Secretary of State should not be extended so as to enable him in cases of doubt to grant a certificate declaring that the applicant is not a British subject. In time of war it might be important to an individual to be able to prove that he was the subject of a neutral nation, and not a British subject. (See paragraph 42 of report.)

Clause 11.—This clause reproduces the last paragraph of section 7 of the Naturalization Act, 1870, with the substitution of the words, 'on such terms and conditions

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as he may thing fit' for the words 'on the same terms and conditions as if he had not been previously naturalized.'

Clause 12.—This clause is new, and gives effect to the recommendation of the Inter-Departmental Committee. The second subsection appears to be required to make the provision effective. .

Clause 13.—This clause reproduces section 15 of the Naturalization Act, 1870.

Clause 14.—This clause reproduces the first subsection of section 10 of the Naturalization Act, 1870, with a suggested drafting alteration to make it clear that the English Act is not attempting to define the status of a married woman for the purpose of foreign law. (See paragraph 49 of report.)

Clause 15.—This clause reproduces in simpler language the first part of subsection (2) of section 10 of the Naturalization Act, 1870. The concluding words are omitted in accordance with the policy of the committee abolishing the distinction between the repatriation of ex-British subjects and the naturalization of other aliens.

Clause 16.—This clause is new, and is intended to carry out the recommendations of the Inter-Departmental Committee. It is probably declaratory.

Clause 17.—This clause is new, and is in substitution for subsections (3) to (5) of section 10 of the Naturalization Act, 1870. Under those subsections the nationality of children was complicated with provisions as to residence. The present clause is intended to carry out the recommendations of the Inter-Departmental Committee.

Difficulties sometimes arise as to the status of illegitimate children. Should a clause be added providing that the status of an illegitimate child should be determined by the place of his birth? This seems to be the present law.

Clause 18.—This clause reproduces section 1 of the Naturalization Act, 1870, as supplemented by section 1 of the Naturalization Oath Act, 1870 (33 and 34 Vict., c. 102), with the following modifications. In the first place, a general power to make rules is conferred on the Secretary of State, as he will now have to deal with recommendations from abroad. In the second place, express power is given to the Secretary of State to determine by regulations the persons before whom declarations of naturalization and alienage may be made. The Naturalization Act, 1870, prescribed in express terms the persons before whom declarations were to be made and oaths to be taken. The Naturalization Oath Act, 1870, authorized the Secretary of State to prescribe the persons before whom the oath of allegiance might be taken. This, therefore, justifies giving him the same power with respect to declarations. Subsection (5) of section 11 of the Act of 1870 authorized the Secretary of State to make regulations for the registration of marriages of persons married at any of Her Majesty's embassies or legations. This provision was repealed by section 26 of the Foreign Marriages Act, 1892 (55 and 56 Vict., c. 23), and is, therefore, not reproduced here. For the regulations made under the Acts proposed to be repealed, see Statutory Rules and Orders Revised, vol. I., p. 1.

Clause 19.—This clause reproduces section 11 of the Naturalization Act, 1870. It would probably be better to omit the words in brackets, and to insert an express saving for the rules made in previous Acts until annulled.

Clause 20.—This clause reproduces the first paragraph of section 12 of the Naturalization Act, 1870.

Clause 21.—This clause reproduces the second paragraph of section 12 of the Naturalization Act, 1870, with the omission of the words relating to expatriated widows, which are not now required.

Clause 22.—This clause reproduces the third paragraph of section 12 of the Naturalization Act, 1870.

Clause 23.—This clause reproduces the fifth paragraph of section 12 of the Naturalization Act, 1870. The clause seems unnecessary, as the Documentary Evidence Act, 1868 (31 & 32 Vict. c. 37), appears to apply automatically. See section 2 of that Act.

Clause 24.—This clause reproduces section 2 of the Naturalization Oath Act, 1870 (33 & 34 Vict. c. 102).

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Clause 25.—This clause reproduces section 9 of the Naturalization Act, 1870, with the exception that the form given is inserted in the Schedule. Having regard to the provisions of the Oaths Act, 1888 (51 & 52 Vict. c. 46), which, under certain condition, allow an affirmation to be made instead of an oath; perhaps a form of declaration should be added applicable to the case of persons who are entitled to affirm instead of to take the oath.

Clause 26.—This clause is new, and is intended to carry out the recommendation of the Inter-Departmental Committee. Subsection (4) raises a point which must be settled one way or the other. When in any British possession there is a Governor and also subordinate Governors, it should be made clear whether the expression 'governor' relates only to the supreme governor or whether it includes also the subordinate governors. In India, for example, there are eleven local governments under the Governor-General in Council, and in some cases the officer who represents the executive government is of quite subordinate rank. Will the expression 'Governor-General' include the High Commissioner in South Africa?

Clause 27.—This clause reproduces section 16 of the Naturalization Act, 1870.

Clause 28.—This clause is new, but is declaratory except in so far as, in accordance with the recommendation of the Inter-Departmental Committee, it repeals the British Nationality Act, 1772 (13 Geo. 3, c. 21).

Subsection 1. In order to be a natural-born British subject a person must not only be born in His Majesty's dominions, but also in His Majesty's legiance. *Prima facie*, the terms are co-extensive, but there is a possible exception in the case of a person born in the embassy of a foreign state, or born of alien enemy parents in British territory, while under hostile occupation. But probably the best plan is to omit any reference to legiance, and to insert in the saving clause a general saving for the extritoriality of embassies, and for the status of children of alien enemies. Paragraph (b) represents the effect of 27 Edw. 3, stat. 1, 7 Anne, c. 5, and 4, Geo. 2, c. 21, read subject to modern statutes which recognize the expatriation of British subjects. See Dicey's 'Conflict of Laws,' p. 177. Paragraph (c) appears to be declaratory. See Hall's 'Foreign Jurisdiction of the Crown,' p. 18.

Subsection (2) is consequential.

Subsection (3) gets rid of the rule that the grandson of a natural-born British subject born abroad is to be deemed a natural-born British subject. This rule obviously gives rise to many cases of double nationality. Its abrogation would entail no hardships, as the grandson of a British subject who wishes to claim British nationality can always become naturalized.

Clause 29.—Subsection (1) reproduces section 13 of the Naturalization Act, 1870.

Subsections (2) and (3) are declaratory and are required for the purpose of the preceding clause. See Com. Dig. tit. Alien (A) and (B), and Calvin's case (1608), 2 State Trials, 559.

Clause 31.—This clause reproduces the definitions contained in section 17 of the Naturalization Act, 1870, so far as required. The definitions which are not reproduced are rendered unnecessary by the Interpretation Act, 1889, or by the alterations in the law proposed to be effected by the Bill.

M. D. C.

November 26, 1902.

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SCHEDULE OF REPEALS.

Act.	Subject-Matter.	How dealt with in Bill.
25 Edw. 3. stat. 1.	Statute for those who are born in parts beyond the seas.	Reproduced, cl. 28 (1).
12 & 13 Will. 3. c. 2.	The Act of Settlement - -	Words proposed to be repealed impliedly by cl. 9.
7 Anne, c. 5.	Naturalization of Foreign Protestants.	Reproduced, cl. 28 (1).
4 Geo. 2. c. 21.	British Nationality - -	Reproduced, cl. 28 (1).
13 Geo. 3. c. 21.	British Nationality - -	Expressly repealed, cl. 28 (3).
23 & 24 Vict. c. 14.	Naturalization.	
s. 1 -	Short title - - -	Unnecessary.
s. 2 -	Capacity of alien as to property.	Reproduced, cl. 1.
s. 3 -	Power of naturalized aliens to divest themselves of status.	First paragraph reproduces cl. 3 ; remainder covered by cl. 18.
s. 4 -	How British-born subject may cease to be such.	Reproduced, cl. 5.
s. 5 -	Trial of alien - - -	Reproduced, cl. 4.
s. 6 -	Capacity of British subject to renounce allegiance.	Reproduced, cl. 6. Proviso omitted, as re-admission to British nationality is to follow ordinary rule.
s. 7 -	Certificates of naturalization.	Reproduced with amendments, cl. 7-11.
s. 8 -	Certificate of re-admission to British nationality.	Not reproduced. See note to cl. 6.
s. 9 -	Form of oath of allegiance -	Reproduced, cl. 25 and Sched. 1.
s. 10 -	Status of married women and infant children.	Reproduced with amendments, cl. 14-17.
s. 11 -	Regulations as to registration.	Reproduced, cl. 18 and 19.
s. 12 -	Regulations as to evidence -	Reproduced, cl. 20 to 24.
s. 13 -	Saving as to denizens - -	Reproduced, cl. 29 (1).
s. 14 -	Saving as to British ships -	Reproduced, cl. 2.
s. 15 -	Saving of allegiance prior to expatriation.	Reproduced, cl. 13.
s. 16 -	Power of colonies to legislate with respect to local naturalization.	Reproduced, cl. 27.
s. 17 -	Definitions - - -	Reproduced so far as required, cl. 31.

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SCHEDULE OF REPEALS.

Act.	Subject-Matter.	How dealt with in Bill.
33 & 34 Vict. c. 14. Schedule s. 18 -	Repeals - - - - Repealed enactments - -	Spent. Spent.
33 & 34 Vict. c. 102.	Naturalization Oath.	
s. 1 -	Regulation as to oaths of allegiance.	Reproduced, cl. 18.
s. 2 -	Penalty on false declaration.	Reproduced, cl. 24.
s. 3 -	Construction and short title.	Unnecessary.
35 & 36 Vict. c. 39.	Naturalization.	
s. 1 -	Short title - - - -	Unnecessary.
s. 2 -	Confirmation of renunciation of nationality under Convention with United States.	Probably unnecessary.
s. 3 -	Saving as to property of married women before 1870.	Unnecessary ; covered by general savings.
Schedule	Setting-out Convention - -	Unnecessary.
58 & 59 Vict. c. 43.	Naturalization.	
s. 1 -	Amendment of 33 & 34 Vict. c. 14. s. 10.	Superseded by cl. 17.
s. 2 -	Short title - - - -	Unnecessary.

From Lord Elgin to Lord Grey.

DOWNING STREET, December 17, 1906.

MY LORD,—With reference to previous correspondence on the subject of the coming Colonial Conference, I have the honour to transmit for communication to your ministers, copies of correspondence respecting the arrangements which the Council of the Royal Colonial Institute propose to make in connection with the conference.

ELGIN.

ROYAL COLONIAL INSTITUTE, NORTHUMBERLAND AVENUE,
LONDON, W.C., December 11, 1906.

The Under Secretary of State
For the Colonies.

SIR,—I am instructed by the Council of the Royal Colonial Institute to address you on the subject of the Colonial Conference which His Majesty's government has convened for April 15 next.

I am respectfully to state for the information of His Majesty's government that the council regard the conference as an event of national importance, and they are anxious to assist as far as they can in promoting its success.

Seeing that the Royal Colonial Institute is the leading organization of its kind, and has for nearly forty years been engaged in bringing together in friendly intercourse British subjects from all parts of the Empire, the council are naturally desirous of extending a cordial welcome to the colonial delegates.

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Believing as they do that the facilities afforded to visitors by the central position of this institute, its well-furnished rooms, and its unrivalled reference library can be made of material service to the delegates, the council have adopted the following resolution :—

‘That in view of the approaching Colonial Conference, honorary membership be offered to such of the colonial delegates as are not already Fellows of the Royal Colonial Institute, during their stay in England as the guests of His Majesty’s government.’

In response to the invitation of the council, the Honourable Bernard R. Wise, K.C., New South Wales, has consented to prepare a resumé of the work of previous conferences for an evening meeting of the institute on Tuesday, April 9, preceded by the usual dinner to which it is proposed to invite the delegates, who will also receive invitations to a banquet on Wednesday, April 24, as mentioned in a previous communication which I had the honour of addressing to you, or such other day as may prove convenient.

The council are anxious that their arrangements should in no way clash with the official programme, and I am therefore instructed to approach you thus early in case any modification should appear desirable. I am to add that the council will welcome suggestions through which the institute may be made instrumental in promoting the comfort and convenience of those who take part in the conference.

J. S. O’HALLORAN,
Secretary.

DOWNING STREET, December 15, 1906.

The Secretary,
Royal Colonial Institute.

SIR,—I am directed by the Earl of Elgin to acknowledge the receipt of your letter of December 11, stating the action which the Council of the Royal Colonial Institute propose to take in connection with the Colonial Conference of 1907.

2. I am to say that a copy of this letter will be communicated to the representatives of the colonies, who will no doubt appreciate, as Lord Elgin does, the spirit in which the council have made their proposals.

3. I am, however, to add that the conference does not commence its sittings till April 15, and that it is therefore not safe to assume that the representatives of the colonies will be in this country on April 9.

H. BERTRAM COX.

From Lord Elgin to Lord Grey.

LONDON, December 31, 1906.

I am sending by next mail despatch dealing generally with agenda and procedure at Colonial Conference. Substance is that so far as I can judge conference may be expected to last three weeks to a month from April 15. Agenda will provide for discussion of following subjects as far as possible in order stated: Constitution of conference, including question of Imperial Council, preferential trade and connected coasting trade and treaty questions, defence, naturalization, emigration, question of judicial appeals, reservation of Bills, extension of British interests in the Pacific in view of Panama canal, system of patents and merchandise marks, reciprocity in professions, metrical system.

ELGIN.

6-7 EDWARD VII., A. 1907

From Lord Elgin to Lord Grey.

DOWNING STREET, January 4, 1907.

MY LORD,—With reference to my despatches general of the 13th and 6th of December, I have the honour to request that you will convey to your ministers the following preliminary proposals on the subject of the agenda and procedure at the coming Colonial Conference.

2. For convenience of reference I inclose in this despatch prints containing the resolutions of Australia and New Zealand, and also a copy of a despatch forwarding the resolutions of Cape Colony. Those colonies only have desired to bring forward subjects for the consideration of the conference.

3. I think it will be well to deal with the matter in relation to the time which may be expected to be available for the conference, and to the subjects which it is reasonable to expect that it will be possible to discuss adequately in that time.

4. In this connection it may be useful to refer to the Conference of 1902, which may be regarded as affording to some extent a precedent on the present occasion. At that conference there were ten sittings, held generally twice a week, and its total actual duration was about one month, omitting the period during which the proceedings were suspended owing to an accident to Mr. Chamberlain. In addition to the sittings of the conference, recourse was had to discussions with other ministers of state in this country, with regard to questions in which their departments were primarily interested, and also to discussions with the Secretary of State or Under Secretary of State for the Colonies with regard to matters which principally interested one single colony or group of colonies.

5. The papers already forwarded to you indicate that the matters to be brought forward for discussion at the next conference are at least equal in number and importance to those which were discussed in 1902. It would accordingly seem best to assume that an equal number of sittings may be found necessary, and that provision will be required for supplementary discussions outside the conference.

6. It is probable that three sittings might be conveniently held in each week, and that the conference may be expected to last from three weeks to a month. It is, I understand, desirable that the prime minister of Cape Colony, and probably other prime ministers, should be able to return as soon as possible after the middle of May, and this fact puts a term to the duration of the conference, since the first sitting is to be held on the 15th of April.

7. I proceed to offer certain observations on the subjects which may be expected to come forward for discussion.

In my despatches of the dates noted in the margin, I have suggested the following matters for discussion:—

The constitution of the conference.

Emigration to the colonies.

Naturalization.

The method of ordering ammunition from this country.

It is probable that the Army Council and the Lords Commissioners of the Admiralty may also desire to bring forward certain subjects. These will, however, come under the general head of defence referred to below, and I have felt that it will be best to give precedence to the subjects which the colonies themselves have suggested for consideration.

8. I trust that it may be possible in the time available to give some attention to all those subjects, but in considering what the agenda will be, it has been necessary to make some analysis of them, and to come to some conclusion as to the order in which they should stand; and I have thought it right to place first among the subjects suggested by the colonies, those put forward by all the three colonies which have made suggestions; then to consider those suggested by more than one, and then those suggested by one colony only. This principle must of course be followed with due regard to the intrinsic importance of the subjects themselves, and to the probability of arriving at definite results by discussion.

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9. On reference to the inclosures to this despatch, your ministers will note that all the three colonies have put forward the following subjects:—Imperial Council, Preferential Trade, Defence. To these may be added, Emigration, Naturalization, proposed by His Majesty's government, and also suggested by some colonies.

10. The question which I should desire to discuss at the outset is that of the future constitution of the conference including the proposals for an Imperial Council which were put forward by my predecessor and are supported in the resolutions proposed by Australia and New Zealand. In the course of this discussion it may be found convenient to refer to the ninth resolution of the Commonwealth of Australia, as to the organization of the Colonial Office.

11. The question of Preferential Trade covers the subjects suggested in the ninth New Zealand resolution, viz.:—the legislative powers of the colonies in the matter of mutual preference. It also covers the subject of merchant shipping and coastwise trade as put forward by Australia and Cape Colony, and in connection with it must be taken the fourteenth resolution of Australia respecting treaties.

12. Defence is a question which it is obviously desirable to consider fully at the conference; and as regards emigration, it will be possible to consider the ninth Australian resolution in connection with the emigration question referred to in paragraph 7 of this despatch.

13. The above five subjects, constitution of future conferences, preferential trade, defence, naturalization and emigration, may be regarded as primary subjects for consideration.

14. Your ministers will further note that the subject suggested by two colonies, and not dealt with in the foregoing observations, are as follows:—

The general question of judicial appeals.

Uniform system of patents (with which merchandise marks may be included).

The following subjects are suggested by one colony and are not dealt with above:—

Australia—

Imperial stamp charges on colonial funds.

Extension of British interests in the Pacific.

Profit on silver coinage.

Decimal currency.

Metric system.

New Zealand—

Reservation of Bills.

Western Pacific islands.

Universal penny postage.

Reciprocal admission to certain professions.

Cape Colony—

Double income tax.

Extension of Imperial cables.

Shipping questions as, e.g., rebates, control of combinations, subsidies.

15. In connection with the last suggestion suggested by Cape Colony, it may be well to observe that a Royal Commission has recently been appointed in this country to consider the whole question of shipping rebates, and that the colonies are represented on this commission. Further arrangements have been made for a conference in next March between representatives of His Majesty's government and Australia and New Zealand on the question of uniformity of shipping legislation. Pending the proceedings of the above-mentioned commission and conference, it does not appear that it will be possible usefully to discuss shipping questions at the Colonial Conference.

16. I have drawn attention to paragraph 4 of this despatch to the arrangements in 1902, whereby it was judged convenient that certain subjects should be separately discussed with the Minister of State primarily concerned. Such discussion need not necessarily preclude discussion in full conference, but it would probably in some cases be the best method of meeting the wishes of the colonies concerned on the present occasion.

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17. I should hope to arrange for a separate discussion at the Treasury with regard to the questions of decimal currency, profit on silver coinage, and stamp charges on colonial bonds, suggested by Australia, and to the subject of double income tax suggested by Cape Colony.

18. The questions of Universal Penny Postage proposed by New Zealand, and of an Imperial cable system proposed by Cape Colony are matters on which a full separate discussion with the Postmaster General would probably be found most useful. The question in regard to the Pacific islands suggested by New Zealand would probably be most advantageously discussed separately with myself by the prime ministers of New Zealand and Australia, as a somewhat similar question was separately discussed in 1902.

19. The following subjects would then remain for discussion at the conference after the primary subjects, noted in paragraph 13 of this despatch :—

- ‘ The general question of judicial appeals.
- ‘ Uniformity of patents and merchandise marks.
- ‘ Reciprocal admission of certain professions.
- ‘ Extension of British interests in the Pacific.
- ‘ Metric system.
- ‘ Reservation of Bills.’

20. These subjects vary materially in importance and also in respect to the possibility of useful discussion having regard to the state of public opinion in the United Kingdom. For example, the question of reciprocity in professions is complicated by technical considerations, and it is doubtful whether discussion could at present result in anything further than an academic resolution. The question of a uniform system of patents has formed the subject of much correspondence since the conference of 1902, and so far it has been found impossible to overcome the difficulties in the way. Similarly His Majesty’s government think that public opinion in this country is not ripe for the adoption of the metric system.

21. On the other hand it would appear that the questions of judicial appeals, and reservation of bills are matters on which discussion would be likely to be fruitful in results, and the question of the extension of British interests in the Pacific suggested by Australia, is one which might engage the attention of a colonial conference.

22. I propose, therefore, that the agenda of the conference should be framed on the following lines. The nucleus of the subjects will be : Constitution of future conferences, preferential trade, defence, naturalization and emigration. Next in order will come judicial appeals, reservation of bills, extension of British interests in the Pacific. Finally, and if time allows, discussion might proceed with regard to the uniformity of patents and merchandise marks, legislation, reciprocity in professions, metric system. Separate discussions might be held on the matters referred to in paragraphs 17 and 18 above.

23. I have communicated the substance of the above suggestions in my telegram of December 31, and I trust that your ministers will agree with me in thinking that they afford a satisfactory basis of procedure. In cases where differing resolutions on the same subjects are to be moved by the representatives of more than one colony, it will be possible to arrange for the order of proceeding either at the actual meeting of the conference, or by means of an agenda sub-committee such as is suggested by the government of Cape Colony.

ELGIN.

Lord Elgin to Lord Grey.

LONDON, January 21, 1907.

Matter most urgent.

It would be great convenience if I could receive very early reply to my telegram of January 5 as to ministers and staff, &c., coming to Colonial Conference.

ELGIN.